***United States Court of Appeals***

***for the Second Circuit***

# APPENDIX

Chelsea Neighborhood Assns

v.

U. S. Postal Service

75 - 6005

Joint Appendix

PAGINATION AS IN ORIGINAL COPY

JSS:js
74-2810

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

| | | |
|---|---|---|
| CHELSEA NEIGHBORHOOD ASSOCIATIONS, et al., | : | |
| Plaintiffs-Appellees, | : | |
| -v- | : | C. A. Docket No. |
| U. S. POSTAL SERVICE, et al., | : | |
| Defendants-Appellants | : | |

INDEX FOR JOINT APPENDIX

The following exhibits are attached as the Joint Appendix:

(A) Exhibit A is the final Environmental Statement prepared by the U. S. Army Engineer, District New York, New York for the United States Postal Service Manhattan Vehicle Maintenance Facility, New York, New York.

(B) Exhibits B and B-1 are affidavits of William V. Chapp, Program Manager of the United States Postal Service and an Industrial Engineer concerning the Yale Express Co. terminal.

(C) Exhibit C is Pub. L. 92-313 which, in short, authorizes construction of the VMF upon condition that air rights for housing be conveyed to New York City.

(D) Exhibit D is an affidavit of Stephen Shane, Esq. who represents the designated sponsor for the housing project above the VMF.

(E) Exhibit E is an affidavit of William Wilson, FAIA, the architect for the sponsor.

(F) Exhibit F is an affidavit of Joseph Schiffman, Program Manager for the New York City area, United States Department of Housing and Urban Development concerning federal funds for the Morgan Annex housing.

(G) Exhibit G is an affidavit of Edmund Davis, Counsel, New York State Division of Housing and Community Renewal, concerning state funding of the Morgan Annex housing.

(H) Exhibit H is a Memorandum dated July 3, 1961 from Bureau of Operations to Postmaster General concerning Zeckendorf site.

(I) Exhibit I is the Manhattan VMF Evaluation dated December 26, 1970 prepared by Drake Steehan/Steward Dougall, Inc. for United States Postal Service.

(J) Exhibit J is a Letter Report dated September 13, 1971 to Harold P. Faught, Senior Assistant Postmaster General from Stanley Young, Director Drake Sheehan/Steward Dougall Inc. recommending VMF at Morgan Annex site.

(K) Exhibit K is a General Accounting Office Report to Rep. Bella Abzug dated February 14, 1972 concerning comparison of Morgan Annex VMF and Sharp site.

(L) Exhibit L is a Letter to Postmaster General from Sen. Jacob Javits dated June 22, 1972 attaching Report from GAO updating Feb. 14, 1972 report.

JSS:js
74-2810

(M) Exhibit M is a Letter to Sen. Jacob Javits from H.P. Faught, Senior Assistant Postmaster General dated July 19, 1972 setting August 15, 1972 cut-off.

(N) Exhibit N is a Letter to Mr. Stephen K[illegible]chenbaum from H.P. Faught, Senior Assistant Postmaster General dated Oct. 3, 1972 rejecting Sharp site.

(O) Exhibit O is a Decision Analysis Report Manhattan VM[illegible] Prepared by R.F. Murken dated June 16, 1972 analyzing three alternatives: (A) present method, (B) Lease VMF, (C) USPS construct VMF.

(P) Exhibit P is a Letter to John Strachan from Alfred Weissman dated May 15, 1974 advising of the availability of the Yale Express Co. terminal for sale. Upon information and belief this letter is the first written notification to the Postal Service of the availability of the Yale Express Co. Building for sale.

(Q) Exhibit Q is an Affidavit of Thomas McHale, Vice-President of Edwards & Kelcey, the firm responsibile for preparation of the EIS, summarizing the Review of Gordian Associates Report (Exh X-1).

(R) Exhibit R is a Letter dated January 21, 1975 to Postal Service from Ogden Reid, Commissioner, N.Y. State Department of Environmental Conservation.

(S) Exhibit S is a Letter dated January 30, 1975 to Hon. Robert J. Ward, U.S.D.J. from AUSA Siffert partially in reply to Exh. R.

(T) Exhibit T is a Letter dated February 20, 1975 to Hon. Robert J. Ward from AUSA Siffert advising of low bid by Sovereign Construction Co. at $36,566,00,000, and of EPA's estimate of 10 weeks before approval or disapproval of Part 203.

(U) Exhibit U is a U.S. Postal Service's 9(g) Statement in Support of Motion of Summary Judgment.

(V) Exhibit V is an Architect's design sketch of housing providing for flow-over from top of VMF to Street submitted by plaintiffs at oral argument.

(W) Exhibit W is an Affidavit of Peter A.A. Berle in support of plaintiffs' motion for preliminary injunction.

(X) Exhibit X is an Affidavit of Simon Mencher and Stephen Baum, President and Executive Vice-President of Gordian Associates, summarizing attached Report of Gordian Associates reviewing the EIS.

(X-1) Exhibit X-1 is the Gordian Associates review of the final EIS.

(Y) Exhibit Y is an Affidavit of Sidney Winoker, Real Estate Broker, concerning the Yale Express terminal.

(Z) Exhibit Z is an Affidavit of John Gavin, Vice-President of Yale Express System Inc.

(AA) Exhibit AA is a Letter to Gavin from J.C. Davies concerning the Yale Express Terminal.

(BB) Exhibit BB is an Affidavit of Sidney Winoker concerning Yale Express terminal.

(CC) Exhibit CC is an Affidavit of Ewell Finley concerning Yale Express terminal.

(DD) Exhibit DD is a Letter dated July 15, 1974 to Postal Service from Albert Butzel requesting abandonment of VMF and transfer of the site to New York City.

(EE) Exhibit EE is a Letter dated June 6, 1974 to David L. Smith from Alfred Weissman concerning Yale Express terminal.

(FF) Exhibit FF is a Supplemental Affidavit of Ewell Finley concerning Yale Express terminal.

(GG) Exhibit GG is Plaintiffs' (Appellees') 9(g) Statement.

(HH) Exhibit HH is Plaintiffs' (Appellees') First Set of Interrogatories.

(II) Exhibit II is Defendants' (Appellants') Answers to Plaintiffs' First Set of Interrogatories.

(JJ) Exhibit JJ is Defendants' (Appellants') Supplemental Answers to Plaintiffs' First Set of Interrogatories.

(KK) Exhibit KK is the Complaint.

(LL) Exhibit LL is the Answer.

(MM) Exhibit MM is the Opinion of Hon. Robert J. Ward, U.S.D.J. dated February 25, 1975.

(NN) Exhibit NN is the Order dated February 28, 1975.

(OO) Exhibit OO is Strategy B-3 of N.Y. State's Implementation Plan.

(PP) Exhibit PP is Pact 203 of N.Y. State's proposed Implementation Plan.

AFFIDAVIT

I, William V. Chapp, hereby state under oath as follows:

1. I am an Industrial Engineer employed by the Postal Service and responsible for managing the Manhattan VMF project and coordinating the work of all disciplines employed in the project.
2. The Yale Express Garage was not offered as a site for the Manhattan VMF until after the final Environmental Impact Statement had been filed, and so it was not considered or reported on in the Environmental Impact Statement.
3. A detailed engineering study of the Yale Express Garage has not been made by the Postal Service, but my review based on known facts about that facility indicates that it is not an alternative worthy of serious consideration.
4. On June 10, 1974, the Postal Service rejected an offer made on May 15, 1974, to sell the Yale Garage to it. The Postal Service has rented space in that Garage for a number of years.

5. Since the Yale Garage is about ten blocks from the Morgan Station mail processing facility which the VMF/Garage is intended principally to serve, the use of the Yale Garage site would be likely to result in more Postal truck mileage being driven per day than would use of the Morgan Annex site.

6. It is probable that use of the Yale Garage site would require demolition of the entire existing structure and construction of a completely new facility, at a cost exceeding the projected cost of the presently planned facility, for the following reasons:

   a. The Yale Garage presently is served by elevators that would have to be replaced by ramps at a tremendous loss of space.

Exhibit B

b. The Yale Garage contains 458,000 total square feet and, according to its owners, can be expanded by the addition of a floor to a total of 578,000 square feet. The facility designed for the Morgan Station site consists of a total of approximately 800,000 square feet (including exterior walls, structural members, and all other supporting space) required to serve the vehicle parking and maintenance requirements of the Postal Service. This total of 800,000 square feet excludes the roof and all housing related space. By function, it breaks down as follows:

| | |
|---|---|
| Parking | 607,000 square feet |
| Maintenance | 146,000 square feet |
| Office and Locker | 46,000 square feet |

c. The Yale Garage does not contain a vehicle maintenance facility. The Postal Service requires one.

d. The floor-to-ceiling height of the Yale Garage floors is 10 feet. Minimum 12-foot ceiling heights are required for our large mail trucks.

7. The Yale Garage, unlike the Morgan Annex site, is not convenient to existing public transportation facilities, and its use probably would constrain us to provide on the order of 600 spaces of employee parking. This would be both costly and environmentally unsatisfactory. Employee parking is not provided in the presently planned facility, which will be well-served by public transporation facilities.

William V. Chapp

William V. Chapp

Subscribed and sworn to before me this 6th day of January, 1975.

Frances B Wells

Notary Public

District of Columbia

My Commission Expires November 30, 1977

Exhibit B

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

| | |
|---|---|
| CHELSEA NEIGHBORHOOD ASSOCIATIONS et al., Plaintiffs, v. UNITED STATES POSTAL SERVICE et al., Defendants. | A F F I D A V I T<br>74 Civ. 3702 (RJW) |

William V. Chapp, being duly sworn, states as follows:

1. I am an industrial engineer employed by the U.S. Postal Service and am responsible for managing the Manhattan Vehicle Maintenance Facility (VMF) project and coordinating the work of the various disciplines employed in the project.

2. I have previously submitted an affidavit herein concerning the Yale Express Garage located between 39th and 40th Streets and 11th and 12th Avenues in Manhattan, and I now wish, having made further examinations of the Yale Garage, to supplement that affidavit and to correct two factual misstatements I made in it.

3. In my previous affidavit, I stated that the Yale Garage is served by elevators that would have to be replaced

by ramps at a tremendous loss of space (paragraph 6a). I additionally stated that the floor-to-ceiling height of the Yale Garage floors is 10 feet, whereas our large trucks require 12-foot heights (paragraph 6d). Those statements were inaccurate and require explanation. Only the office portion of the structure is served by elevators. The building's second floor, which could be used in its entirety for parking (96,728 square feet), and a third-floor roof-top parking area (43,000 square feet), are served by existing adequate ramps. Furthermore, there is no ceiling height limitation that would restrict access to, or parking in, either of these areas. There is no existing means of vehicular access to the only other portion of the structure that could be used for parking - the first, or ground, floor (110,260 square feet). A ramp could be constructed to serve that area (which is approximately four feet above street level) but the only place that we think it could be located would be off 12th Avenue under a 10-foot ceiling restriction, so that parking on the ground level most likely would be limited to vehicles less than 10 feet in height.

4. We have, as I indicated in my previous affidavit, a number of difficulties with the Yale building including its location. The principal difficulties, however, are

that the building is not large enough and does not have the configuration that we need. The Yale Building was not constructed to be a parking garage, nor to contain a vehicle maintenance facility. It was built to be a terminal for receiving, separating, consolidating and dispatching property by truck. The Postal Service presently uses it for a mail truck terminal. As I indicated in my previous affidavit, the Postal Service requires and has planned for 607,000 square feet of parking space and 146,000 square feet of vehicle maintenance space, for a total of 753,000 square feet of vehicle space. The Yale Building contains at present only 249,988 square feet of space that can be used for vehicles after construction of a ramp to the first floor. This can be expanded to a maximum, we calculate, of 335,988 square feet by the addition of two parking levels above the existing roof-top parking area, each consisting of approximately 43,000 square feet. This is considerably less than half the vehicle space that we require.

5. On the other hand, the Yale Building contains a six-story tower atop the second story which contains 227,150 square feet of office-type space. There is no existing vehicular access to this space, and the cost of utilizing it for vehicles (assuming that the structure would support

II. ACTIONS TAKEN TO SOLVE PROBLEMS

Since 1959 the Department has undertaken a number of individual

such use, would be very great, both in construction cost and in space lost to ramps. We need only approximately 46,000 square feet for office and employee convenience space.

6. Additionally, the Yale Building does not contain pits, lifts or other equipment, nor dedicated space, for a vehicle maintenance facility, which we require. In addition, it does not contain gas storage tanks which we require, and it may not be possible to install subsurface pits and storage tanks due to suspected hydrostatic pressure in that area of Manhattan.

7. Finally, while the column spacing in the Yale Building is generally adequate, being 30x36 feet, there are no areas where columns have been eliminated to facilitate the maneuvering of large trucks. We have provided for such areas in our planned new facility, using steel beams to permit the elimination of selected columns. The absence of such areas in the Yale Building would hamper the movement of large trucks.

8. We have concluded, therefore, that the Yale Building is too small, its configuration does not provide the types of space that we require, and its use as a parking and

vehicle maintenance facility would be very costly and inefficient.

William V. Chapp

Subscribed and sworn to before me this 30 day of January, 1975.

Frances B. Wells
Notary Public
District of Columbia

My Commission Expires November 30, 1977

IV. DESCRIPTION OF THE MICHELOVE PROJECT

In order to provide the necessary trucking facility in New York City, the Department has had under consideration for several years, plans to require between 800,000 and 900,000 square feet of space to

Senate and House of Representatives of his determination that the best interests of the Federal Government will be served by providing such space by entering into a purchase contract therefor.

Carbondale, Ill., conveyance for public park.

SEC. 6. (a) The Postmaster General of the United States Postal Service shall convey to the city of Carbondale, Illinois, all right, title, and interest of the United States and such Postal Service, in and to the real property (including any improvements thereon) in Carbondale, Illinois, bounded by old West Main Street on the south, Glenview Drive on the west, Illinois Route 13 and access road to Murdale Shopping Center on the north, and by Texaco Service Station and residences on the north, approximately 508 feet on the east, 525 feet on the south, 420 feet on the west and with an irregular boundary on the north, a total area of approximately 191,000 square feet. The exact legal description of the property shall be determined by the Postmaster General, without cost to the city of Carbondale, Illinois. Such conveyance shall be made without payment of monetary consideration and on condition that such property shall be used solely for public park purposes, and if it ever ceases to be used for such purpose, the title thereto shall revert to the United States which shall have the right of immediate reentry thereon.

U.S. reversion right.

New York City, air rights for public housing.

(b)(1) The United States Postal Service shall grant to the City of New York, without reimbursement, air rights for public housing purposes above the postal facility to be constructed on the real property bounded by Twenty-eighth and Twenty-ninth Streets, Ninth and Tenth Avenues, in the City of New York (the Morgan Annex site), such facility to be designed and constructed in such manner as to permit the building by the City of New York of a high-rise residential tower thereon, *Provided*, That—

Conditions.

(A) the City of New York shall grant to the Postal Service without reimbursement exclusive use of Twenty-ninth Street, between Ninth and Tenth Avenues in the City of New York, such use to be irrevocable unless the Postal Service sells, leases, or otherwise disposes of the Morgan Annex site; and

(B) the City of New York shall agree to reimburse the Postal Service for the additional cost of designing and constructing the foundations of its facility so as to render them capable of supporting a residential tower above the facility, and shall issue any permits, licenses, easements and other authorizations which may be necessary or incident to the construction of the postal facility.

(2) If within twenty-four months after the City of New York has complied with the provisions of paragraphs (A) and (B) of subsection (d)(1) of this section, the United States Postal Service has not awarded a contract for the construction of its facility, the Postal Service shall convey to the City of New York, at the fair market value, all right, title and interest in and to the above-described real property. Such conveyance shall be made on the condition that such property shall be used solely for public housing purposes, and if public housing is not constructed on the property within five years after title is conveyed to the City of New York or if thereafter the property ever ceases to be used for such purposes, title thereto shall revert to the Postal Service, which shall have the right of immediate reentry thereon.

U.S. Postal Service, reversion right.

Regulations.

SEC. 7. To carry out the provisions of the Public Buildings Amendments of 1972, the Administrator of General Services shall issue such regulations as he deems necessary. Such regulations shall be coordinated with the Office of Management and Budget, and the rates established by the Administrator of General Services pursuant to sections 210(j) and 210(k) of the Federal Property and Administrative Services Act of 1949, as amended, shall be approved by the Director of the Office of Management and Budget.

*Ante*, p. 219.

Exhibit C

V. ECONOMICS OF ZECKENDORF PROJECT

The annual rental of the Zeckendorf Facility would be approximately $2,970,050. This is for 900,000 square feet at an estimated

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHELSEA NEIGHBORHOOD ASSOCIATIONS :

Plaintiff, : No. 74 Civ.3072(RJW)

vs. :

UNITED STATES POSTAL SERVICE :

Defendant. :

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STATE OF NEW YORK )
ss:
COUNTY OF NEW YORK)

STEPHEN H. SHANE being duly sworn deposes and says that:

1. I am a member of the firm of Demov, Morris, Levin & Shein, attorneys for Chelsea-Morgan Housing Association, Inc. (Chelsea-Morgan)

2. Chelsea-Morgan has been designated by the Housing and Development Administration of the City of New York as the sponsoring organization for a project to be undertaken consisting generally of approximately 750 units of low and middle income housing to be erected over a proposed vehicle maintenance facility on the city block between 28th and 29th Streets, 9th and 10th Avenues in the Borough of Manhattan. The Project is to be financed under Article II of the Private Housing Finance Law of the State of New York under the supervision of the New York State Division of Housing & Community Renewal. It is anticipated that subsidy funds under Section 8 of the Community Development Act of 1974 will be made available to permit the ultimate rents to be at low and moderate income ranges. The architects for the project are Gruzen and Partners

Exhibit D

(1) Truck Terminal

(a) Increased trucking service to major terminals within a 300 mile radius. The New York Central, Pennsylvania, [illegible] and New York, New $1,332,000

and Castro-Blanco, Piscioneri and Feder. The working drawings for the vehicle maintenance facility have been completed by the firm of Emery Roth & Sons, while the plans for the housing portion above the vehicle maintenance facility are in the preliminary stage.

3. Formal applications to the Division of Housing and to the Planning Commission and Board of Estimate of the City of New York have not yet been made in connection with the proposed project.

STEPHEN H. SHANE

Sworn to before me
this 9 day of January, 1975.

NOTARY PUBLIC

ALLAN D. GOODMAN
Notary Public, State of New York
No. 31-1500015
Qualified in New York County
Commission Expires March 30, 1975

Exhibit D

RECAPITULATION OF ANNUAL SAVINGS

| | | |
|---|---|---|
| (1) | Truck Terminal Operations | $2,632,000 |
| | | 530,000 |

SOUTH DISTRICT OF NEW YORK

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Chelsea Neighborhood Associations, et. al.,
Plaintiffs

-v-

United States Postal Service, et. al.,
Defendants

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AFFIDAVIT
74 Civ. 3702 (RJW)

STATE OF NEW YORK )
COUNTY OF NEW YORK :SS:
SOUTHERN DISTRICT OF NEW YORK )

William D. Wilson, being duly sworn, deposes and says:

1. I am a registered architect in the State of New York, residing at 1700 Broadway and am a partner in the joint venture firm of Gruzen & Partners/ Castro-Blanco, Piscioneri & Feder, which has been designated as architect for the Chelsea Morgan Housing Association, Inc. to design the air-rights housing in connection with the United States Postal Service's Vehicle Maintenance Facility located on the site bounded by West 28th Street, West 29th Street, 8th Avenue, and 9th Avenue in Manhattan.

2. The joint venture firm of Gruzen & Partners/Castro-Blanco, Piscioneri & Feder has been officially designated as the housing architects for the above-referenced project.

3. The Community Board has unanimously adopted the architect's sketches showing housing units built against the south facade of the Vehicle Maintenance Facility and spanning over West 28th Street, with vehicular exhaust fumes from West 28th Street being dissipated through street-level duct work conducted to vertical exhaust stacks presently designed into the Vehicle Maintenance Facility.

4. At present, no definitive determination has been made as to the design of the residential towers which will be located on top of the Vehicle Maintenance Facility, pending programmatic decisions forthcoming from the Chelsea Morgan Housing Association and the New York State Division of Housing and Community Renewal.

5. All plans for the housing are highly tentative at this date except that columns, duct shafts, and foundations for a specific high-rise apartment tower complex have been designed into the contract documents prepared by Emery Roth & Sons for the United States Postal Service Department's Vehicle Maintenance Facility.

William D. Wilson, FAIA
Partner

Sworn to before me this third day of January, 1975

Notary Public

CARL J. GETZEL
Notary Public, State of New York
No. 03-3417475
Qualified in New York County
Commission Expires March 30, 1975

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VI. PROPOSED RECREATIONAL COVERAGE

On February 16, 1959, Webb and Knapp, Inc. (a Zeckendorf firm) submitted a letter as evidence of their intent to proceed with development plans for the Zeckendorf project after formal dedication

The lease on this proposed facility to be executed between the

STATE OF NEW YORK )
) S.S.:
COUNTY OF NEW YORK )

I, JOSEPH J. SCHIFFMAN, being duly sworn, deposes and says:

1. I am employed by the U. S. Department of Housing and Urban Development at the New York Area Office as a Program Manager for the New York City area.

2. I am familiar with the Morgan Station Annex project presently being planned.

3. To the best of my knowledge, in May, 1974, the Regional Office advised the New York Area Office of additional units authorized for processing under the revised Section 23 procedures. Included in the authorization were 900 units authorized to the Housing and Development Administration for the Morgan Station Annex project.

4. On June 28, an application was received from Urban Development Corporation for the Morgan Annex project for 449 units to be funded under another section of the Housing Act. Since funds were no longer available under this section of the Housing Act, the application was returned on August 27, 1974.

5. The regulations covering Section 23 were supplanted by new Section 8 regulations on January 1, 1975. The transfer of the existing Section 23 units and funds to Section 8 is presently under consideration by the Secretary of Housing and Urban Development.

Joseph J. Schiffman
JOSEPH J. SCHIFFMAN
New York Area Office, HUD
666 Fifth Avenue, N.Y.

Sworn to before me this
31 day of January 1975.

John J. Sciacca
NOTARY

JOHN J. SCIACCA
Notary Public, State of New York
No. 43-4519285
Qualified in Richmond County
Commission Expires March 30, 1976

The General Counsel has written the Comptroller General for an opinion as to whether the Department may negotiate a 30-year lease with Zeckendorf Interests. See attached Exhibit "C". The letter was mailed on June 19, 1961.

The lease on this proposed facility to be executed between the

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | |
|---|---|
| CHELSEA NEIGHBORHOOD ASSOCIATES, et al<br><br>v.<br><br>U.S. POSTAL SERVICE | 74CIV3702 (RJW)<br>State of New York<br>City of New York<br>Southern District<br>of New York |

Edmund R. Davis, being duly sworn deposes and says:

1. I am counsel to the State Commissioner of Housing and Community Renewal and to the Division of Housing and Community Renewal.

2. The Division of Housing and Community Renewal is authorized by the Private Housing Finance Law to give mortgages at low interest rates to limited profit housing companies organized pursuant to Article II of said law in amounts up to ninety-five per cent of the total project cost.

3. While the Division of Housing has had communication with various community groups regarding the construction of housing on the subject site, no formal application has been received.

4. By reason of the foregoing no final plans have been submitted which would confirm either the number, type or stories of buildings proposed to be constructed on the site or the number of dwelling units to be included.

5. Upon receipt, from a qualified sponsor, of an acceptable formal application for construction of housing for persons or families of low income and the filing of all necessary documentation to process such application, the Division of Housing through the New York State Housing Finance Agency would be receptive to financing a project on the site.

Edmund R. Davis

Sworn to before me this
6th day of January, 1975

LARRY H. SUTTON
NOTARY PUBLIC, STATE OF NEW YORK
No. 24-[illegible]350
Qualified in Kings County
Term Expires March 30, 1976

The following facilities have been constructed in New York City since January 1, 1950:

| Unit | Interior Space (Net SF) | Annual Rental Rate $ | Square Foot Rate $ |
|---|---|---|---|

POST OFFICE DEPARTMENT

SUBJECT: Proposed Truck Terminal In New York City

DATE: July 3, 1961

FROM: Bureau of Operations

REPLY REFER TO: RCP:HFipt

TO: The Postmaster General

Transmitted herewith is a brochure containing data developed by the Bureaus of Facilities, Operations and Transportation, and the Office of Research and Engineering, relating to the proposed plan to lease between 600,000 and 900,000 square feet of space in a building (known as the Zeckendorf project) to be erected by Webb and Knapp, Inc., at 9th and 10th Avenues, 31st and 33rd Streets, New York City.

The proposed facility would function primarily as a truck terminal. The lack of trucking facilities in New York City is delaying the movement of mail to major points within a 300 mile radius. Unsatisfactory short-haul movements, shuttling of mail and congestion are costing millions of dollars. The provision of a major trucking facility in New York City will permit the full benefit of expenditures in new facilities being planned in Northern New Jersey, Long Island City, Yonkers, Boston, Philadelphia and other major facilities within a 300 mile radius of New York City.

The General Post Office and Morgan Annex in New York City are in proximity of the proposed Zeckendorf project. Under the concept, we would connect the Zeckendorf Facility with the GPO-Morgan Annex complex by direct tunnels. This would permit a complete exchange of mails between the three units without truck shuttle service on the highly congested streets in the area.

It is estimated that the total annual rental for the Zeckendorf Facility, including mechanization maintenance cost, would be $3,570,000. Conversely, approximately $2,632,000 in transportation cost could be saved annually. These estimated savings are based on the Department authorizing diversion of short-haul mail from rail to highway. In addition, about $530,000 and $318,000, respectively, would be saved annually from increased efficiency in handling APO-FPO and Puerto Rico mail and increased production from a mechanized parcel post operation. On the basis of these estimates, the Zeckendorf Facility could be almost self-sustaining and it certainly would greatly improve the postal service.

POD Form 54
May 1959

The General Counsel has submitted a brief to the Comptroller General for a decision as to whether a 30-year lease contract may be negotiated without competitive bidding, on the basis of sole source of supply.

We will appreciate your advice as to what further steps to take.

Enclosure

# PROPOSED TRUCK TERMINAL

# IN NEW YORK CITY

# (THE ZECKENDORF PROJECT)

Prepared by:

Installations Requirements Division
Bureau of Operations
Post Office Department
Washington 25, D. C.

CONTENTS

I. Mail-handling Problems in New York City Area

II. Actions Taken to Solve These Problems

III. Unsatisfactory Conditions in General Post Office and Morgan Annex

IV. Description of the Zeckendorf Project

V. Economics of Zeckendorf Project

VI. Proposed Negotiated Contract

COPY

EXHIBIT "C2"

## I. MAIL-HANDLING PROBLEMS IN NEW YORK CITY AREA

The New York Metropolitan area includes the five boroughs of New York City, nine counties in southeastern New York State, twelve counties in northern New Jersey and Fairfield County in Connecticut.

This area has experienced an unparalleled growth since World War II with an accompanying steadily increasing demand for additional postal services. Increased volumes of mail, growth trends and generally outmoded facilities have made it difficult to maintain satisfactory service in this rapidly expanding area. The New York area is responsible for a large percentage of the nation's mail. For example, it is estimated that approximately 17% of the nation's total postal revenue comes from this area. Also, this area represents about 10% of the nation's total population. Moreover, the nation has a population density of about 50 persons a square mile, while the New York area's 27 counties average more than 1500 a square mile. This heavy population concentration and the resultant tremendous generation of mail create many special problems for the Department.

Approximately one-third of the postal units in the New York area are inadequate to meet existing service requirements either because of insufficient work space, poor loading and transportation conditions, or unsatisfactory locations in the communities served. These unsatisfactory facilities range in size from the enormous New York General Post Office, with its more than one and one-quarter million gross square feet of floor space, to units of less than seventy square feet.





the center of the building. The connection from 30th Street to the Lincoln Tunnel has already been built in anticipation of this proposed building. Moreover, the State of New York has already approved the con-

## II. ACTION TAKEN TO SOLVE PROBLEMS

Since 1959 the Department has undertaken a number of individual projects in New York City to improve service and increase operating efficiency of local postal functions. (See Exhibit "A".)

From 1956 to 1959, Robert Heller and Associates, Inc., under a contract with the Department, guided the efforts of a post office task force in the development of a master plan of service and an evaluation of facility requirements for the New York Metropolitan area. The master plan was developed to assist the Department in formulating an integrated plan for conducting postal operations throughout the New York Metropolitan area. This plan was also to be the basis for providing facilities best suited to meet future demands for service created by growth and changing conditions in the area.

There is an urgent need for a truck terminal facility strategically located in New York City where locally generated mail would be assembled, further processed and dispatched to points throughout the nation. Moreover, there is a need for such a facility on the inbound movement principally to accommodate increased trucking. This facility would consequently have area and national significance.

The Department is also presently planning the following major facilities to relieve congested space conditions in the New York City area:

1. Zone 22 - Station
2. Yonkers, New York
3. Murray Hill Station
4. North Jersey (Kearny)
5. Long Island City
6. Idlewild AMF
7. LaGuardia AMF

Centralized distribution of mail in the Zone 22 and Murray Hill Stations will obviate the need for construction of new quarters in several stations served through these units.





Department must acquire the air rights, the money factor would preclude our acquiring space at this ideal location. Even if the site were acquired by purchase or condemnation and bids invited to construct a multi-purpose building, it is doubtful whether a lease bidder could obtain lease commitments for the different floors necessary to make this entire project

## III. UNSATISFACTORY CONDITIONS IN THE GENERAL POST OFFICE AND MORGAN ANNEX

Extreme congestion in both the General Post Office and Morgan Annex in New York City has resulted in intolerable mail-handling conditions. The GPO and Morgan Annex provide a total of 194 vehicle tailboard spaces. However, these platforms and the related conveyor systems are so congested during peak periods that post office vehicles and firm mailers are frequently delayed as much as two to three hours in reaching the mailing platforms. Also, because of inadequate space, it is necessary to rehandle mail several times, thereby decreasing the efficiency of the operation and consequently delaying dispatch of mail.

Space deficiencies in the GPO-Morgan Annex facilities have made it necessary to distribute outgoing parcel post in the larger stations in this area. This has proved to be an inefficient operation.

Recent space surveys show that additional space of 23,650 square feet, 7300 square feet, and 21,700 square feet will be required at Midtown, Prince and Radio City Stations, respectively, if a facility is not erected to provide relief for these and other stations in the area. Also inadequate space for truck terminal operations in the GPO-Morgan Annex area has necessitated the use of a temporary truck terminal on West 27th Street in Manhattan. This terminal is being presently operated in conjunction with a star route contract. This arrangement requires additional shuttle service and again results in delayed mail.

Consolidation of parcel post distribution in the proposed truck terminal would minimize rehandling, improve efficiency, and eliminate the need for additional space in several New York City stations, enabling them to continue occupancy of quarters presently considered inadequate. Finally, drastic reductions made in rail transportation schedules make it necessary to provide a facility in this area for over-the-road trucking of mail.

## IV. DESCRIPTION OF THE ZECKENDORF PROJECT

In order to provide the necessary trucking facility in New York City, the Department has had under consideration for several years, plans to acquire between 700,000 and 900,000 square feet of space in a facility known as the Zeckendorf project to be erected on a site located between 9th and 10th Avenues and 31st and 33rd Streets. Mail-handling activities in this facility would be connected by direct tunnels and conveyors with GPO-Morgan Annex, and related mail-handling activities of the New York Central and Pennsylvania Railroads. This system would permit complete exchange of mails between the three units without truck shuttle service on the highly congested streets in this area.

Studies indicate that mailing platforms of sufficient size to accommodate 205 vehicle tailboard spaces should be provided at the proposed truck terminal. These spaces, plus the 194 at GPO-Morgan Annex, will eliminate the existing crowded conditions at the latter units. The trucking operation proposed for the Zeckendorf Facility will fit in with the transportation pattern planned for other major facilities within a 360 mile radius of New York City.

It is estimated that the mechanization costs for the Zeckendorf Facility will be $12,000,000. The systems proposed include (1) sack sorting systems in the truck terminal; (2) bulk conveying systems linking the truck terminal, GPO and Morgan operations with workroom areas; and (3) incoming and outgoing semi-automatic parcel sorting machines.

## V. ECONOMICS OF ZECKENDORF PROJECT

The annual rental of the Zeckendorf Facility would be approximately $2,970,000. This is for 900,000 square feet at an estimated $3.30 a square foot. The estimated annual mechanization maintenance cost would be $600,000. The estimated total annual cost would be $3,570,000.

Offsetting this annual cost would be a savings of $1,332,000 annually in transportation costs - this savings is based on the Department authorizing diversion of short-haul mail traffic from rail to highway. Another $1,200,000 annually would be saved from our being in a position to collaborate with the railroads in developing "piggy-back" service. This savings is predicated on the Department having adequate facilities to handle increased volumes at other terminal points such as Baltimore, Washington, Philadelphia, and so forth. Another $530,000 would be saved annually from increased efficiency in handling APO-FPO and Puerto Rico mail; finally, another $318,000 would be saved annually from the increased efficiency of mechanized parcel post operations. Summing up, the total annual savings would be about $3,480,000 against an annual cost of $3,570,000, which would mean that the facility could be almost self-sustaining and it certainly would greatly improve the postal service.

Additional reduced costs should result from the proposed consolidation of the outgoing papers, flats, and non-letter size circular operations in the Zeckendorf Facility. Besides providing better service, the elimination of present rehandling requirements and the conveyorizing of movements would result in the reduced costs.

Also, the centralized parcel post operation will provide large volume which permits a maximum number of separations, thereby reducing piece handlings at locations intermediate to destination areas. Because of inadequate workroom areas in the stations involved, only a limited number of separations can now be made. The proposed Zeckendorf Facility will permit us to make about 2,000 separations without additional piece handlings. The present cost for the exchange of mails between GPO-Morgan, because of the divided state distribution in each installation, will also be eliminated.

Plans for the Zeckendorf Facility are also predicated on primary distribution of locally generated bulk mails at Zone 22 and Murray Hill Stations.

Following is a detailed breakdown of the estimated annual savings. These are based on the operations involved in the proposed Zeckendorf Facility:



CONTENTS

This Report tabulates the space requirements for a Vehicle Maintenance

(1) Truck Terminal

(a) Increased trucking service to major terminals within a 300 mile radius. The New York Central, Pennsylvania, Lackawanna-Erie, and New York, New Haven and Hartford Railroads will be affected by a reduction in mail transport business. $1,332,000

(b) Implementation of piggy-back service (Bulk container movements) over the railroads for long haul movements. $1,300,000

Total annual savings - - - - $2,632,000

(2) APO-FPO and Puerto Rico Mail Functions

(a) Relocation of this operation, now performed at the Postal Concentration Center, into the Morgan Station (3rd floor) near the foreign mail operations will permit consolidation and mechanization of the present inefficient operation. The present payroll of approximately $5,000,000 annually should be reduced by a minimum of about 10% or an annual savings of - - - - - - - - - $ 500,000

(b) Elimination of the transportation and piece handling costs involving the movement of mail to PCC from Manhattan 30,000

Total annual savings - - - - $ 530,000

(3) Manpower Savings in Outgoing Parcel Post Distribution

(a) Present Manual Operations

Outgoing Parcel Post (79,000,000 pieces a year) $2,318,000
(759,000 manhours x $3.09)

(b) Proposed Machine Operations

Outgoing Parcel Post $2,000,000
(647,000 manhours x $3.09)

Total annual savings - - - - $ 318,000



## SUMMARY

This Report tabulates the space requirements for a Vehicle Maintenance

RECAPITULATION OF ANNUAL SAVINGS

| | | |
|---|---|---|
| (1) Truck Terminal Operations | $2,632,000 | |
| (2) 410-110 and Puerto Rico Mail | 530,000 | |
| (3) Mechanized Parcel Post Operations | 318,000 | |
| Total annual savings | | $3,480,000* |
| Estimated Zeckendorf Facility annual rent cost (900,000 sq. ft. x estimated $3.30 a sq. ft.) | $2,970,000 | |
| Estimated annual mechanization maintenance cost (5% x $12,000,000 mechanization installation cost) | 600,000 | |
| | | $3,570,000 |
| Total Net Annual Cost | | $ 90,000* |

*These figures do not include any savings which might accrue as explained in the third, fourth and fifth paragraphs, Page 5.



exactly to functional requirements. The major difference between existing and required space is in the truck and tractor repair bay area which requires 20,000

A typical block such as those located between 9th and 10th Avenues is

## VI. PROPOSED NEGOTIATED CONTRACT

On February 16, 1959, Webb and Knapp, Inc. (a Zeckendorf firm) submitted a letter as evidence of their intent to proceed with development of plans for the Zeckendorf project after formal indication of the Post Office Department's willingness to participate. This letter was approved by the former Postmaster General but date of approval was not shown. In addition to outlining general project data and concept, the letter gave the following information on space, terms and rental:

| Space | Rental |
|---|---|
| Sub-basement (areas to be determined) | $2.00 sq. ft. |
| Basement - 185,200 square feet | 3.50 sq. ft. |
| First floor - 219,100 square feet | 3.50 sq. ft. |
| Second floor - between 100,000 and 450,000 square feet | 3.50 sq. ft. |
| Third floor - between 100,000 and 450,000 square feet (possible) | 3.50 sq. ft. |

The Bureau of Facilities reports that acquisition of space in the Zeckendorf Facility through direct negotiations, rather than by open competitive bidding, is justified on the basis of the following factors:

(a) The cost to erect a facility housing only postal space upon a site located between 9th and 10th Avenues and West 31st and West 33rd Streets would be prohibitive.

(b) Engineering problems, along with related exorbitant land cost, dictate erection of large multi-story structures to equalize the cost of basic development. To make such an endeavor economically feasible, large quantities of commercial space must be made available to spread eventual occupancy cost.

(c) Financing multi-story construction in New York City area presents complex problems.

(d) Project concept, tailored to meet and suit Departmental requirements, dictates a particular location presently controlled by Zeckendorf interest.

(e) Acquisition by condemnation would materially contribute to higher land cost in view of the contemplated construction of a highly intricate highway complex, by the City and State of New York, in this particular area.

(f) Cost features, land, multi-story construction and complex financing, limit potential private competitive enterprise and public bidding.



maximum floor size of a VMF located on the west side of Manhattan is one

A typical block such as those located between 9th and 10th Avenues is

The General Counsel has written the Comptroller General for an opinion as to whether the Department may negotiate a 30-year lease with Zeckendorf Interests. See attached Exhibit "C". The letter was mailed on June 19, 1961.

The lease on this proposed facility to be executed between the Post Office Department, as tenant, and a subsidiary of Webb and Knapp, Inc., as landlord, would be for a period of 30 years with options for renewal by the Department for four additional periods of 10 years each. The nature and concept of the proposed Zeckendorf facility requires tenant occupancy rental rates to be determined by direct negotiation. Negotiations from the date of the letter of intent indicate that the present project concept includes provisions for the Department to lease approximately 1,110,000 square feet of space at an annual gross rental of $3.30 a square foot for a firm initial term of 30 years.

The Department is presently leasing 88,558 square feet of space to house Times Square Station at a square foot rental cost of $2.71. We pay $3.46 a square foot for 43,477 square feet at Wall Street Station. Postal space in 24 comparatively new buildings in the New York area is presently being leased at an average square foot cost of $2.28. These facilities were erected over the past ten years and do not reflect current cost factors. Exhibit "A" gives a list of facilities constructed in the New York area since January, 1950, with rental rate information. The estimated annual rates for each of the major New York area facilities being planned are shown on the attached Exhibit "B" along with the proposed rental rates for the Zeckendorf project for comparison purposes.

EXISTING MANHATTAN FACILITIES

The following facilities have been constructed in New York City since January 1, 1959:

| Unit | Interior Space (Net SF) | Annual Rental Rate $ | Square Foot Rate $ |
|---|---|---|---|
| Allerton Station | 1,500 | 2,950 | 1.96 |
| Anconia Station | 31,682 | 73,925 | 2.33 |
| Baychester Station | 20,540 | 29,000 | 1.41 |
| Colonial Park Station | 16,942 | 34,700 | 2.04 |
| Fort George Station | 18,840 | 35,500 | 1.88 |
| Gracie Station | 45,707 | 114,299 | 2.50 |
| Hell Gate Station | 19,439 | 40,900 | 2.10 |
| Hillside Station | 1,004 | 2,300 | 2.29 |
| Jerome Avenue Station | 15,148 | 23,100 | 1.52 |
| Kingsbridge Station | 13,546 | 26,500 | 1.95 |
| Lincolnton Station | 24,056 | 53,450 | 2.22 |
| Parkchester Station | 19,106 | 60,000 | 3.14 |
| Peck Slip Station | 66,440 | 125,000 | 1.88 |
| Peter Stuyvesant Station | 33,339 | 85,000 | 2.54 |
| Riverdale Station | 12,378 | 18,000 | 1.45 |
| Sound View Station | 18,470 | 29,000 | 1.57 |
| Stadium Station | 1,806 | 3,500 | 1.93 |
| Throggs Neck Station | 16,019 | 26,380 | 1.64 |
| Times Square Station | 88,558 | 240,000 | 2.71 |
| Triborough Station | 19,445 | 40,400 | 2.07 |
| Wall Street Station | 43,377 | 150,000 | 3.45 |
| Westchester Station | 10,314 | 19,150 | 1.85 |
| Williams Bridge Station | 17,506 | 28,000 | 1.59 |
| International AMF Idlewild | 50,500 | 122,500 | 2.42 |
| TOTALS - - - - - - - - | 605,662 | 1,381,554 | * 2.28 |

*Average New York City Rental

EXHIBIT A

EXISTING MANHATTAN FACILITIES

Pier 74th 34th and

Schedule A-II

Present Space Allocation by Function[2]

| | Area (square feet)[1] | |
|---|---|---|
| | Pier 74th | Total 34th and |

MAJOR NEW FACILITIES
NEW YORK AREA COMPLEX

| Facility | Site Status | Estimated Interior Square Feet | Estimated Mechanization Cost (In Millions of $) | Annual Rental (In Millions of $) |
|---|---|---|---|---|
| Zone 22 | Purchased | 211,000 | 2.6 | 1.4 |
| Murray Hill | Located | 196,000 | 1.0 | 1.1 |
| Zeckendorf | Not acquired | 900,000 | 12.0 | 3.5 |
| LaGuardia AMF | Not acquired | 111,000 | 2.5 | .5 |
| Idlewild AMF | Not acquired | 265,000 | 4.0 | 1.1 |
| North Jersey (Kearney) | Purchased | 157,000 | 1.8 | .8 |
| Yonkers | Not acquired | 110,000 | 2.5 | .6 |
| Long Island City (Based on Jamaica Plans) | Not acquired | 381,000 | 2.5 | 1.4 |
| | TOTALS | | 28.9 | 10.4 |

EXHIBIT "B"

COPY

EXHIBIT "C"

Honorable Joseph Campbell
Comptroller General of the
United States
Washington 25, D. C.

Dear Mr. Campbell:

This Department desires to negotiate a 30-year lease (with renewal term options running to the Government) for approximately one million square feet of building space in a multi-story commercial building. A private investor proposes to construct a building (ten to twenty stories) on land over which he controls the air rights.

The site is bounded by 9th and 10th Avenues, and West 31st and 33rd Streets, New York City. This site is directly opposite and west of the General Post Office and one (1) block north of the Morgan Annex post office.

The Department would require from three (3) to five (5) floors depending on the area made available for postal use on each floor and the accessibility to the surface transportation arteries. The proposed building would also be interconnected with the General post office and the Morgan Annex via underground tunnels.

We desire to make this lease contract pursuant to Section 203 of the Post Office Department Property Act of 1954, as amended, 39 U.S.C. 2103. In accordance with 39 U.S.C. 2112, such lease contracts are subject to the advertising requirements of 41 U.S.C. 5. Your opinion is requested whether this case may be considered an exception to the advertising statute.

The acquisition of this proposed facility for postal purposes would resolve one of the Department's most acute and complex mail handling and distribution problems. The Pennsylvania Railroad which is located under the General Post Office and the New York Central Railroad which is under the Morgan Annex provide facilities for the receipt and dispatch of all mails involving rail movements.

The present postal facilities in this area are quite inadequate to cope with the ever-increasing mail service demands. The most urgent requirement from the standpoint of mail transportation is a control truck terminal facility with adequate platform space. The over-the-road transportation system is constantly absorbing a greater percentage of the mail traffic, providing better service at lower costs.

The proposed site is ideally located for facilitating the flow of mail since the building would be contiguous to the planned highway complex and a connecting entrance to the Lincoln Tunnel which would run through.

the center of the building. The connection from 30th Street to the Lincoln Tunnel has already been built in anticipation of this proposed building. Moreover, the State of New York has already approved the construction of a Mid-Manhattan or crosstown expressway. Approval by the City of New York is expected shortly. This expressway will connect with the Lincoln Tunnel under the Hudson River and the Midtown Tunnel under the East River, thereby connecting the New Jersey Turnpike with the Long Island Expressway. This transportation network will afford over-the-road movement of mail to and from the proposed building in all directions with considerable ease and flexibility.

In addition, the tunnel connections with the General Post Office and Morgan Annex will afford an interchange of mail movements between the rail and over-the-road transportation systems. No other site in this area which could provide these requirements. Moreover, the proposed lessor has offered a favorable rent for a thirty-year term.

The high cost of land in this area makes it necessary to construct a multi-story, multi-tenant building in order that the Department may occupy space at reasonable costs.

It would be most impracticable for the Department to prepare a uniform set of plans and specifications for this type of a building for bidding purposes unless the non-postal areas were known. The bidders program for the occupancy of the non-postal areas may concern apartments, offices or industrial type tenants, or possibly a combination of these. It would also be impracticable to prepare a uniform set of plans for postal use without some knowledge of the type of building proposed, floor areas available for the postal operations, and the type commercial tenants since this affects the street traffic conditions which are of great importance to the Department in the movement of mails.

Of course, the Department may negotiate without advertising a 20-year lease under the authority of 39 U.S.C. 2102. This statute authorizes the Department to lease premises without regard to the advertising requirements of 41 U.S.C. 5. Use of Section 2102 is not appropriate in this case in view of the unusually difficult problem of financing the construction of this large project, and the consequent greater cost to the Government on the shorter term. In view of the financing and other problems incident to a project of this magnitude, the owners advise that the shortest basic term they could offer is a 30-year noncancellable lease. Hence, a section 2102 lease would be of no value since it is limited to twenty years. Our foreseeable occupancy is at least 30 years. In any event, we believe that the longer term would be in the best interests of the Government because rent for a twenty year term plus a ten year renewal term would exceed the rent for a thirty year term.

Of course, the Department could acquire the air rights either by direct purchase or condemnation, and thereafter advertise for lease bids under 39 U.S.C. 2103. But under such procedure lease bids for exclusive postal occupancy would be excessive due to the high site cost. Thus, if the

Department can acquire the air rights, the money factor would preclude our acquiring space at this ideal location. Even if the site were acquired by purchase or condemnation and bids invited to construct a multi-purpose building, it is doubtful whether a lease bidder could obtain lease commitments for the additional floors necessary to make this entire project economically justifiable. This is because usually no one will bid on a multi-occupancy building unless he has lease commitments. Generally, an interested lessee would not give a commitment unless he was certain of getting the space. Yet no bidder can secure space to a prospective lessee until the bidder is awarded the lease contract. However, in this case the proposed contractor is ready and willing to construct the more economical (to the Government) multi-story building even without lease commitments on the non-postal space.

I believe that the negotiation of a thirty year lease under the above circumstances would be in the best interests of the Government.

It is felt that the facts in this case would come under one of the exceptions of 41 U.S.C. 5, particularly subdivision (3) thereof, namely: "When only one source of supply is available and the Government purchasing or contracting officer shall so certify." Your office has consistently held out that 41 U.S.C. 5 does not require advertising where advertising can accomplish no useful purpose. 1 Comp. Gen. 748; 5 id. 963; 7 id. 282; 28 id. 470; B-66914, July 23, 1947; 17 Op. Atty. Gen. 84, ibid. 385; 39 Op. Atty. Gen. 111.

Your early decision would be greatly appreciated.

Sincerely yours,

(signed) J. Edward Day

Postmaster General

UNITED STATES POSTAL SERVICE --
DEPARTMENT OF RESEARCH AND ENGINEERING
Washington, D. C.

# MANHATTAN VMF EVALUATION

28 December 1970

I

DRAKE SHEAHAN / STEWART DOUGALL INC.
MARKETING AND PHYSICAL DISTRIBUTION CONSULTANTS
330 Madison Ave., New York, N.Y. 10017 Tel: 212 697-0294

EXI

UNITED STATES POSTAL SERVICE --
DEPARTMENT OF RESEARCH AND ENGINEERING

Washington, D. C.

# MANHATTAN VMF EVALUATION

28 December 1970

DRAKE SHEAHAN/STEWART DOUGALL INC.

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## SUMMARY

This Report tabulates the space requirements for a Vehicle Maintenance Facility for Manhattan. These requirements were developed after considering existing space (Exhibit A), the present fleet (Exhibit B), and the present labor complement (Exhibit C). Present space requirements were calculated using Post Office Department space standards where applicable. However, the requirements assume no change in the condition of the fleet, the efficiency of maintenance labor, or the procedure for maintenance scheduling. Also, it is assumed that the present 3-tour operation will continue. Requirements are shown in Exhibit D. The major areas are:

| Function | Space (square feet in thousands) | |
|---|---|---|
| | Existing buildings | Present requirement |
| Maintenance and support | 102 | 73 |
| Fleet operations | 5 | 5 |
| Parking | 205 | 353 |
| Employee facilities | 7 | 8 |
| Building support | 5 | 7 |
| Ramps and vehicle access | 38 | 38 |
| Total | 362 | 484 |

There are two important differences between existing space and present requirements:

1. Maintenance and support. Present requirements are 29,000 square feet less than existing space. Approximately 9,000 square feet of this amount can be attributed to the building arrangement where blocks of space do not conform

exactly to functional requirements. The major difference between existing and required space is in the truck and tractor repair bay area which requires 20,000 square feet less than is allocated in the existing facilities. This difference reflects a reduction in the number of bays for parking vehicles awaiting repair. On the peak hour (Tour 2) when 20 mechanics are assigned to truck and tractor repair, 5 empty bays have been provided for backlogging work. Space for the backlog has been reduced because parking will be more efficient and located entirely inside the building. In the present situation, with insufficient interior parking supplemented with street and auxiliary lot parking, more backlog space is required because more time is required to move vehicles.

2. Parking. Parking space is based on interior parking for the entire requirement. The parking requirement is less than the fleet size and assumes that a portion of the fleet is in service at all times. The 148,000 square foot difference between the present requirement and existing space is now met by parking in the streets.

After present space requirements were determined, the vehicle projection was developed (Exhibit E) and from it, the projected labor complement (Exhibit F) and projected space requirements (Exhibit G). The projected 10- and 20-year space requirements are summarized in Exhibit H. The 20-year space requirement is 569,000 square feet and includes 368,000 square feet of parking.

From an operational standpoint, the optimum building configuration for a VMF has a minimum number of floors. Assuming that the air rights can be utilized for other purposes and the income thus derived used to offset land costs, a minimum floor configuration is also economically justified. Realistically, the

maximum floor size of a VMF located on the west side of Manhattan is one block. A typical block such as those located between 9th and 10th Avenues is about 800 by 200 feet and would yield a net usable floor area of 155,000 square feet. A VMF of this size would consist of four floors with space allocated as described in Exhibit I.

As a comparison, you already have a proposal from the Sharp Property Development Group for a 15-floor building (11 full size floors and 4 partial floors). This proposal should be updated (Exhibit J) to conform to the revised space requirements and a new lease cost determined. An effort should be made to locate other suitable property,, preferably a full block in size, in order to permit development of an alternate facility scheme and thereby provide the basis for evaluation of the Sharp Proposal.



EXHIBIT E

VEHICLE FLEET PROJECTION[a]

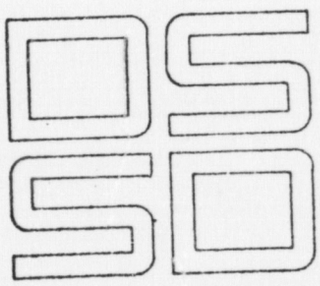

EXHIBIT E

LABOR COMPLEMENT PRODUCTION

# EXHIBIT A

## EXISTING MANHATTAN FACILITIES

### Schedule A-I

### Space and Rental Data

| Location | Area (square feet) | Cost (dollars per square feet) | Annual cost (dollars) | Date of lease expiration |
|---|---|---|---|---|
| 34th Street VMF | 203,330 | 1.345 | 273,500 | 31 October 1973 |
| 53rd Street VMF | 93,299 | 1.328 | 123,869 | 4 September 1971 |
| 53rd Street parking lot | 18,600 | .806 | 15,000 | 4 September 1971 |
| Pier 74 parking lot | 46,845 | .576 | 26,983 | 30 June 1971 |
| Subtotal | 362,074 | | 439,352 | |
| FDR Station VMF | 49,324 | 3.80 | 187,431 | |
| Grand total | 411,398 | | 626,783 | |

Source: Mr. J. P. Mikelonis, Chief - Vehicle Maintenance, New York Region.

Schedule A-II

Present Space Allocation by Function[a]

| Space function | Area (square feet)[1] 34th Street VMF | 53rd Street VMF | Pier 74th and 53rd Street lots | Total 34th and 53rd Street VMF's and lots | FDR Station VMF |
|---|---|---|---|---|---|
| Vehicle maintenance and support: | | | | | 10,030 |
| General office | 840 | 0 | | 840 | |
| Director's office | 300 | 0 | | 300 | |
| Assistant director's office | 150 | 0 | | 150 | |
| Chief mechanic office | 130 | 460 | | 590 | |
| Chief of supplies office | 770 | 0 | | 770 | |
| Truck and tractor repair bays<br>Trailer repair bays | 24,810[c] | 16,100[c] | | 40,910[c] | |
| Lubrication bays | 3,230 | 650 | | 3,880 | |
| Quick service bays | 6,200 | 0 | | 6,200 | |
| Body shop | 10,410 | 1,060 | | 11,470 | |
| Paint shop | 5,640 | 0 | | 5,640 | |
| Battery charging room | 640 | 150 | | 790 | |
| Transmission shop | 1,600 | 0 | | 1,600 | |
| Tire repair shop | 4,760 | 0 | | 4,760 | |
| Steam cleaning area | 2,730 | 0 | | 2,730 | |
| Wash racks | 1,800 | 1,120 | | 2,920 | |
| Fueling area | 1,140 | 760 | | 1,900 | |
| Parts, materials and tools storage | 11,310 | 1,340 | | 12,650 | |
| Safety check lane | 1,440 | 0 | | 1,440 | |
| Junk room | 1,000 | 0 | | 1,000 | |
| Records room | 1,500 | 0 | | 1,500 | |
| Total | 80,400 | 21,640 | | 102,040 | 10,080 |
| Vehicle operations: | | | | | |
| Main office | 2,700 | 0 | | 2,700 | |
| Superintendent and Assistant Superintendent's offices | 740 | 0 | | 740 | |
| Dispatcher's office | 630 | 280 | | 910 | |
| Radio control room | 630 | 0 | | 630 | |
| Total | 4,700 | 280 | | 4,980 | |
| Parking, active POD vehicles: | 87,700[b] | 48,220[b] | 42,950[b] | 178,870[b] | 39,250 |
| One half-ton vehicles[j]<br>Three quarter-, one-, two-, and two and one half-ton trucks[j]<br>Five-ton trucks[j]<br>Tractors[j]<br>Semitrailers[j] | | | | | |
| Total | 87,700 | 48,200 | 42,950 | 178,870[i] | 39,250 |
| Other parking: | | | | | |
| GSA autos | 3,740[c] | 0 | 0 | 3,740[c] | |
| Employee autos[d] | 0 | 0 | 0 | 0 | |
| POD vehicles awaiting disposal | 0 | 0 | 22,500[h] | 22,500[h] | |
| Total | 3,740 | 0 | 22,500 | 26,240 | |



15C

| Space function | Area (square feet)[1] 34th Street VMF | 53rd Street VMF | Pier 71th and 53rd Street lots | Total 34th and 53rd Street VMF's and lots | FDR Station VMF |
|---|---|---|---|---|---|
| Employee facilities: | 6,420 | 900 | | 7,320 | |
| Locker room, drivers[f] | | | | | |
| Locker room, maintenance[f] | | | | | |
| Locker closets, office employees[k] | | | | | |
| Lunchroom, operations[f] | | | | | |
| Lunchroom, maintenance[f] | | | | | |
| Lounges and/or swingrooms[f] | | | | | |
| Total | 6,420 | 900 | | 7,320 | |
| Building equipment and support: | | | | | |
| Janitor's closet[g] | | | | | |
| Custodial supplies storage | 3,250 | 0 | | 3,250 | |
| Heating, ventilating, air-conditioning, etc. | 1,120 | 420 | | 1,540 | |
| Total | 4,370 | 420 | | 4,790 | |
| Ramps, ramp access and maintenance area access driveways, stairwells, elevators, walkways, shelters, etc. | 16,000 | 21,840 | | 37,810 | |
| Grand total | 203,330 | 93,300 | 65,450 | 362,080 | 49,330 |

[a] Source: Floor plan layouts and visual inspection with facility superintendents.

[b] Includes maneuvering area, but excludes ramp area.

[c] Excludes maneuvering area, which is included under "Parking, POD Vehicles."

[d] No areas are allocated solely for this purpose. Some employee autos occupy POD vehicle spaces during the day when these are vacant.

[e] Includes area where repair bays are occupied by vehicles awaiting repair.

[f] Included in "Employee facilities" figure.

[g] Included in "Custodial supplies storage".

[h] Assumes area for 100 vehicles requiring 225 square feet per vehicle (25 by 9 feet).

[i] The "Parking, active ..." total does not include areas used for vehicle parking on city streets, and is therefore not meant to be indicative of the total parking area used or required.

[j] Included under "Parking Active POD Vehicles".

[k] No such existing space allocation.

[l] All areas rounded to nearest 10 square feet.



Schedule F-IV

Operations Labor Projection by Tour

## Schedule A-III

### Maintenance Contracted Outside of VMF

| Function performed | Frequency of performance |
|---|---|
| Trailer washing[a] | Once per month per trailer |
| Diesel fueling[b] | As required |
| Glass work[c] | As required |
| Recapping and resectioning of tires[d] | As required |
| Repair of accident damage which is fault of private operators[d] | As required |

Source: Vehicle Maintenance, New York Region.

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[a]At a present contracted rate of $6 per trailer, a $35,000 investment in a trailer washer is justified for the new VMF. Assuming the VMF labor cost for this function will be $1 per trailer, an annual saving of $23,000 can be realized on the present fleet of 381 trailers, resulting in a payback period of 19 months.

[b]Vehicle Maintenance, New York Region, estimates an annual saving on the diesel fuel alone of $70,000 if fuel is purchased in bulk quantities and stored at the new VMF. Added to this saving is $.08 per minute incurred now for driver time in transit for, and during, diesel refueling. A bulk diesel fueling depot at the new VMF is therefore justified.

[c]Glass work should be performed at the new VMF, in order to reduce vehicle out-of-service time, and glass work cost.

[d]Work which either cannot be performed at a VMF due to its nature, or will not result in a cost advantage to the POD if performed at the VMF.

## EXHIBIT B

## PRESENT MANHATTAN VEHICLE FLEET

### Schedule B-I

### Number and Type of Vehicles by Domicile Location

| Vehicle description | Domicile location: 34th Street | Domicile location: 53rd Street | Total fleet[a] |
|---|---|---|---|
| One half-ton and three quarter-ton vehicles | 16 | 19 | 35 |
| One-ton trucks | 43 | 148 | 191 |
| Two-ton and two and one half-ton trucks | 164 | 77 | 241 |
| Five-ton trucks | 153 | 0 | 153 |
| Tractors | 111 | 0 | 111 |
| Subtotal (power vehicles) | 487 | 244 | 731 |
| Semitrailers (government owned) | 240 | 0 | 240 |
| Subtotal (government owned vehicles) | 727 | 244 | 971 |
| Semitrailers (leased) | 141 | 0 | 141 |
| Total | 868 | 244 | 1,112 |

Sources: "Vehicle Maintenance Facility, Fleet Breakdown," for 18 September 1970. End of Accounting Period 3. Vehicle Maintenance, New York, New York.

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[a] Excludes: 78 one-ton and 77 two-ton trucks domiciled at the FDR Station.
44 one-ton and 10 two-ton trucks domiciled at the Gerard Station in the Bronx.
1 five-ton truck, 34 tractors, 61 government owned semi-trailers, and 50 leased semitrailers domiciled at the Long Island Postal Concentration Center.

## PRESENT AUTHORIZED LABOR COMPLEMENT

### Schedule C-1

### Vehicle Maintenance Labor Complement[a]

| Job title | Salary level | 34th Street VMF | | | 53rd Street VMF | | | Total | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | Tour 1 | Tour 2 | Tour 3 | Tour 1 | Tour 2 | Tour 3 | Tour 1 | Tour 2 | Tour 3 |
| **Supervisors:** | | | | | | | | | | |
| Director, Vehicle Maintenance | 14 | | 1 | | | | | | 1 | |
| Assistant Director, Vehicle Maintenance | 13 | | 1 | | | | | | 1 | |
| Chief of Supplies | 10 | | 1 | | | | | | 1 | |
| Chief Mechanic | 10 | 1 | 1 | 1 | | 1 | | 1 | 2 | 1 |
| Administrative Assistant | 9 | 1 | | | | | | 1 | | |
| Automotive Foreman | 8 | 2 | 2 | 2 | 1 | 1 | 1 | 3 | 3 | 3 |
| Body Shop Foreman | 8 | | 1 | | | | | | 1 | |
| Vehicle Maintenance Instructor | 9 | 1 | | | | | | 1 | | |
| Assistant to Chief of Supplies | 8 | – | 1 | – | – | – | – | – | 1 | – |
| Supervisor Tour subtotal | | 5 | 8 | 3 | 1 | 2 | 1 | 6 | 10 | 4 |
| **Laborers:** | | | | | | | | | | |
| Vehicle Maintenance Analyst | 7 | 1 | 2 | 1 | | 1 | 1 | 1 | 3 | 2 |
| Body and Fender Repairman | 7 | 2 | 16 | 2 | 1 | | 1 | 3 | 18 | 3 |
| Automotive Mechanic | 6 | 16 | 26 | 16 | 6 | 4 | 4 | 22 | 30 | 20 |
| Automotive Painter | 6 | 1 | 2 | 1 | | | | 1 | 2 | 1 |
| Storekeeper (Parts) | 7 | | | | | | 1 | | | 1 |
| Tool and Parts Clerk | 5 | 2 | 5 | 2 | | | | 2 | 5 | 2 |
| General Clerk | 5 | 6 | 7 | 1 | | 1 | 1 | 6 | 8 | 2 |
| Time and Attendance Clerk | 5 | 1 | | | | | | 1 | | |
| Junior Mechanic | 5 | 1 | 2 | 1 | | 1 | 1 | 1 | 3 | 2 |
| Garageman | 4 | 7 | 10 | 7 | 3 | 1 | 6 | 10 | 11 | 13 |
| Laborer Tour subtotal | | 37 | 70 | 31 | 10 | 8 | 15 | 47 | 78 | 46 |
| Tour total | | 42 | 78 | 34 | 11 | 10 | 16 | 53 | 88 | 50 |
| Facility total | | | 154 | | | 37 | | | 191 | |

Source: "Number of Employees on the Rolls" for Fourth Accounting Period ending 16 October 1970.

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[a]This tabulation excludes the following authorized VMF personnel in the New York, New York postal area:

At the FDR Station:
1 Chief Mechanic, 2 Automotive Foremen, 9 Automotive Mechanics, 6 Garagemen, 1 Vehicle Maintenance Analyst, 1 Junior Mechanic, and 1 Body and Fender Repairman.

At the Long Island Postal Concentration Center
7 Automotive Mechanics, and 4 Garagemen.

## Schedule C-II

## Vehicle Operations Labor Complement

| Job title | Salary level | Authorized complement[a] | Number requiring space as described: Locker or closet | Lunchroom[b] | Office[b] | Office space description |
|---|---|---|---|---|---|---|
| Supervisors: | | | | | | |
| Superintendent Vehicle Operations | 14 | 1 | 1 | 1 | 1 | Individual office within main office. |
| Assistant Superintendent, Vehicle Operations | 13 | 1 | 1 | 1 | 1 | Individual office within main office. |
| Tour Superintendent, Vehicle Operations | 10 | 3 | 3 | 1 | 1 | Individual office within main office. |
| Trailer Utilization Representative | 11 | 1 | 1 | 1 | 1 | Individual office within main office. |
| Administrative Assistant Vehicle Operations | 9 | 1 | 1 | 1 | 1 | Individual office within main office. |
| Central Vehicle Control Officer | 9 | 12 | 12 | 4 | 4 | Individual office within radio control room. |
| Vehicle Accident and Claims Officer | 8 | 1 | 1 | 1 | 1 | Individual office within main office. |
| Vehicle Operations Analyst | 8 | 14 | 14 | 3 | 3 | Individual office within main office. |
| Foreman-Vehicle Dispatcher | 8 | 24 | 24 | 1 | 1 | Individual office within dispatcher office. |
| Chief, Schedule Exam. Runs | 8 | 1 | 1 | 1 | 1 | Individual office within dispatcher office. |
| Chief, Driver Instruction Exam. | 7 | 1 | 1 | 1 | 1 | Individual office within main office. |
| Administrative Assistant | 7 | 4 | 4 | 2 | 2 | Open office space in main office. |
| Supervisor subtotal | | 64 | 64 | 18 | 18 | |
| Nonsupervisory positions: | | | | | | |
| Injury Compensation Clerk | 6 | 1 | 1 | 1 | 1 | Open office space in main office. |
| Time and Attendance Clerk | 5 | 5 | 5 | 5 | 5 | Open office space; one in main office and four in dispatcher office. |
| Office Clerk Vehicle Operations | 5 | 6 | 6 | 6 | 6 | Open office space in main office. |
| Schedule Exam. Vehicle Runs | 7 | 3 | 3 | 1 | 1 | Open office space in dispatcher office. |
| Driver Instructor Examiner | 6 | 10 | 10 | 10 | 10 | Open office space adjacent to testing and training rooms. |
| Clerk, Vehicle Dispatcher | 5 | 34 | 34 | 5 | 5 | Open office space in radio control room. |
| Tractor-Trailer Operator | 6 | 214 | 214 | 21[c] | 0 | |
| Motor Vehicle Operator and Sales | 6 and 5 | 637 | 637 | 64[c] | 1 | Open office space in main office. |
| Personnel Clerk | 6 | 1 | 1 | 1 | 1 | Open office space in main office. |
| Nonsupervisory subtotal | | 911 | 911 | 114 | 30 | |
| Grand total | | 975 | 975 | 132 | 48 | |

[a] Includes only 34th and 53rd Street VMF's.
[b] Based on the number of workers requiring space on the peak tour.
[c] Swingroom space: 10 percent of vehicle operators.

EXHIBIT D

DEVELOPMENT OF FREIGHT SPACE REQUIREMENTS

| VMF Space function | Standard (square feet) | Calculation factor | Space required (square feet) | Existing space (square feet) | Calculation factor reference |
|---|---|---|---|---|---|
| Vehicle maintenance and support | | | | | |
| General office | 100 per clerk on duty[b] | 8 clerks | 800 | 840 | Schedule C-I total, Tour 2, general clerks. |
| Director's office | 300[a] | | 300 | 300 | |
| Assistant director's office | 200[a] | | 200 | 150 | |
| Chief mechanic office | 100 plus 100 per foreman or clerk[b] | 4 foremen | 500 | 590 | Schedule C-I total, Tour 2, automotive and tools shop foremen. |
| Chief of supplies office | 200 plus 100 per clerk[b] | 6 clerks | 800 | 770 | Schedule C-I total, Tour 2, tools and parts clerks and assistant to chief of supplies. |
| Truck and tractor repair bays | 630 per 40 power vehicles[c] | 731 vehicles | 16,560 | 40,910 | Schedule B-I power vehicles. |
| Trailer repair bays | 1,680 per 60 trailers[a] | 240 trailers | 4,320 | | Schedule B-I government-owned semitrailers. |
| Lubrication bays | 630 per 100 power vehicles[a] | 731 vehicles | 4,830 | 3,880 | Schedule B-I power vehicles. |
| Quick service bays | 630 per 200 power vehicles[a] | 731 vehicles | 2,760 | 6,200 | Schedule B-I power vehicles. |
| Body shop | 600 per 80 power vehicles plus 1,000 per 80 trailers[a] | 731 power vehicles<br>240 trailers | 11,520<br>5,760 | 11,470<br>5,640 | Schedule B-I power vehicles and government-owned trailers. |
| Paint shop | One-half of body shop area[a] | | 150 | 790 | |
| Battery charging room | 150[b] | 731 vehicles | 400 | 1,600 | Schedule B-I power vehicles. |
| Transmission shop | 100 per 200 power vehicles[a] | | 1,150 | 4,760 | Schedule B-I entire fleet. |
| Tire repair shop | 250 plus 50 per 50 vehicles over 200[b] | 1,112 vehicles | | | |
| Steam cleaning area | 630 per 200 power vehicles[a] | 731 vehicles | 2,760 | 2,710 | Schedule B-I power vehicles. |
| Wash racks | 1,200 per washer[b] | 3 washers | 3,600 | 2,920 | Includes existing washers and addition of a semi-trailer washer. |
| Fueling area | 1,440 per bulk fueling area[b] | 2 areas | 2,880 | 1,900 | New York POD. |
| Parts, materials, and tools storage | 11 per vehicle[a] | 971 vehicles | 10,680 | 12,650 | Schedule B-I government-owned vehicles. |
| Safety check lane | 1,440 per check lane[b] | 2 lanes | 2,880 | 1,440 | New York POD. |
| Junk room | 250[b] | | 250 | 1,000 | |
| Records storage | 150[a] | | 150 | 1,500 | |
| Total | | | 73,250 | 102,040 | |
| Vehicle operations | | | | | |
| Main office | 100 per employee on duty[b] | 12 employees | 1,200 | 2,700 | Schedule C-II main office clerks. |
| Superintendent and assistant superintendent offices | 300 plus 200[a] | 1 of each | 500 | 740 | Schedule C-II. |
| Sundry supervisors' offices within main office | 150 per supervisor[b] | 8 supervisors | 1,200 | 0 | Schedule C-II. |
| Dispatchers' office | 100 per employee on duty[b] | 5 employees | 500 | 910 | Schedule C-II. |
| Radio control room | 100 plus 60 per dispatcher over 1[b] | 5 dispatchers | 420 | 630 | Schedule C-II. |
| Sundry supervisors' offices within dispatchers' office and radio control room | 150 per supervisor[b] | 6 supervisors | 900 | 0 | Schedule C-II. |
| Total | | | 4,720 | 4,980 | |

[a]Standard developed by DS/SD.
[b]Standard obtained from POD Publication 37, "Postal Space Standards and Equipment Layouts."
[c]Standard area of bay developed by DS/SD, and number of bays required obtained from POD Publication 37, "Postal Space Standards and Equipment Layouts."





Proposed area by Sharp[d] | Proposed area by DS/SD[b]

| VMF space function | Standard (square feet) | Calculation factor | Space required (square feet) | Existing space (square feet) | Calculation factor for reference |
|---|---|---|---|---|---|
| | | | | 178,870 | |
| Parking, active POD vehicles | | | | | |
| One half-ton vehicles | 100 per vehicle[b] | 34 vehicles | 10,200 | | Schedule B-I. |
| Three quarters, 1-, 2-, and two and one half-ton trucks | 330 per truck[a] | 433 trucks | 142,890 | | Schedule B-I. |
| Five-ton trucks | 540 per truck[a] | 121 trucks | 65,340 | | Schedule B-I: 70.4 percent of total five-ton truck fleet. |
| Tractors | 400 per tractor[b] | 78 tractors | 31,200 | | Schedule B-I: 70.4 percent of total tractor fleet. |
| Semitrailers | 780 per trailer[a] | 72 trailers | 56,160 | | Schedule B-I: 10.4 percent of government-owned semitrailer fleet. |
| Total | | | 305,790 | 178,870 | |
| Other parking | | | | | |
| GSA autos | 300 per auto[b] | 30 autos | 9,000 | 3,740 | New York POD. |
| Employee autos | 300 per 4 employees on duty plus 20 percent[b] | 419 employees | 37,800 | 0 | Schedule C-I: total Tour 2; and Schedule C-II: total "lunchroom," excluding operators plus one-third of all operators. |
| | | | 0 | 22,500 | Area to be provided elsewhere. |
| POD vehicles awaiting disposal | | | 46,800 | 26,240 | |
| Total | | | | 7,320 | |
| Employee facilities | | | | | |
| Locker room, drivers | 6 per driver[b] | 851 drivers | 5,110 | | Schedule C-II: all equipment operators. |
| Locker room, maintenance | 6 per employee[b] | 145 employees | 870 | | Schedule C-I: total all tours, excluding supervisors and tours. |
| Locker closets, office employees | 6 per office employee[b] | 170 employees | 1,020 | | Schedule C-I: supervisors and clerks, plus Schedule C-II: total complement, excluding operators. |
| Lunchroom, operations | 16 per one-half of employees[a] | 47 employees | 380 | | Schedule C-II: total "lunchroom" less equipment operators. |
| Lunchroom, maintenance | 16 per one-half of employees[a] | 88 employees | 700 | | Schedule C-I: total Tour 2. |
| Lounges and/or swingroom | One-third of lunchroom area[b] | | 360 | | |
| Total | | | 8,440 | 7,320 | |
| Building equipment and support | | | | | |
| Janitors' closet | 0.275 percent of building interior[b] | 483,700 square feet | 1,330 | 0 | |
| Custodial supplies storage | 0.225 percent of building interior[b] | 483,700 square feet | 1,090 | 3,250 | |
| Heating, ventilating, air-conditioning, etc. | 5 percent of enclosed area[b] | 88,830 square feet | 4,440 | 1,540 | |
| Total | | | 6,860 | 4,790 | |
| Ramps, ramp access and maintenance area access driveways, stairwells, elevators, walkways, shelters, etc. | No standard; assume existing space for 4 levels | 4-level VMF | 37,840 | 37,840 | |
| Grand total | | | 483,700 | 362,080 | |

[a]Standard developed by DS/SD.
[b]Standard obtained from POD Publication 37, "Postal Space Standards and Equipment Layouts."
[c]Standard area of bay developed by DS/SD, and number of bays required obtained from POD Publication 37, "Postal Space Standards and Equipment Layouts."

EXHIBIT E

VEHICLE FLEET PROJECTION[a]

| Vehicle description | Number of vehicles | | | |
|---|---|---|---|---|
| | Present[b] (1970) | 1972[c] | 1982[d] | 1992[e] |
| One half-ton and three quarter-ton vehicles | 35 | 35 | 38 | 41 |
| One-ton trucks | 191 | 193 | 206 | 225 |
| Two-ton and two and one half-ton trucks | 241 | 243 | 260 | 284 |
| Five-ton trucks | 153 | 155 | 165 | 181 |
| Tractors | 111 | 112 | 120 | 131 |
| Subtotal (power vehicles) | 731 | 738 | 789 | 862 |
| Semitrailers (Government owned)[f] | 240 | 244 | 270 | 309 |
| Subtotal (Government owned vehicles) | 971 | 982 | 1,059 | 1,171 |
| Semitrailers (leased) | 141 | 141 | 141 | 141 |
| Total fleet | 1,112 | 1,123 | 1,200 | 1,312 |

[a] Projection of fleet sizes presently domiciled at 34th Street and 53rd Street VMF's only. Increases are based on projected numbers of handling pieces at GPO-Morgan.

[b] From Exhibit B, Schedule B-I.

[c] Figures reflect a 1 percent increase over the present fleet.

[d] Figures reflect an 8 percent increase over the present fleet.

[e] Figures reflect an 18 percent increase over the present fleet.

[f] Increases were calculated with a present figure of 381 trailers which includes leased trailers. The entire increase was then added to the Government owned trailer figure.

EXHIBIT F

LABOR COMPLEMENT PROJECTION

Schedule F-I

Vehicle Maintenance Labor Projection

| Job title | Now: Number of men[a] | Now: Number of vehicles[b] | Men per vehicle[c] | Number of men[d]: 1972 | 1982 | 1992 |
|---|---|---|---|---|---|---|
| Supervisors: | | | | | | |
| Director, Vehicle Maintenance | 1 | | NA | 1 | 1 | 1 |
| Assistant Director, Vehicle Maintenance | 1 | | NA | 1 | 1 | 1 |
| Chief of Supplies | 1 | | NA | 1 | 1 | 1 |
| Chief Mechanic | 4 | | NA | 3 | 3 | 3 |
| Administrative, Assistant | 1 | | NA | 1 | 1 | 1 |
| Automotive Foreman | 9 | 971 | .009 | 9 | 10 | 11 |
| Body Shop Foreman | 1 | 971 | .001 | 1 | 1 | 1 |
| Vehicle Maintenance Instructor | 1 | | NA | 1 | 1 | 1 |
| Assistant to Chief of Supplies | 1 | | NA | 1 | 1 | 1 |
| Supervisor subtotal | 20 | | | 19 | 20 | 21 |
| Laborers: | | | | | | |
| Vehicle Maintenance Analyst | 6 | 971 | .006 | 6 | 6 | 7 |
| Body and Fender Repairman | 22 | 971 | .023 | 23 | 24 | 27 |
| Automotive Mechanic | 72 | 971 | .074 | 73 | 78 | 87 |
| Automotive Painter | 4 | 971 | .004 | 4 | 4 | 5 |
| Storekeeper (Parts) | 1 | | NA | 1 | 1 | 1 |
| Tool and Parts Clerk | 9 | 971 | .009 | 9 | 10 | 11 |
| General Clerk | 16 | 971 | .016 | 16 | 17 | 19 |
| Time and Attendance Clerk | 1 | 971 | .001 | 1 | 1 | 1 |
| Jr. Mechanic | 6 | 971 | .006 | 6 | 6 | 7 |
| Garageman | 34 | 971 | .035 | 34 | 37 | 41 |
| Laborer subtotal | 171 | | | 173 | 184 | 206 |
| Total | 191 | | | 192 | 204 | 227 |

[a] From Exhibit C, Schedule C-I

[b] From Exhibit B, Schedule B-I: Total fleet of government-owned vehicles.

[c] Where NA (not applicable) appears, the number of men to hold the job title is not related to the number of vehicles, but rather is related to the number of tours or is limited to one per VMF.

[d] Men per vehicles times the number of vehicles. Number of vehicles for each year is obtained from the total fleet of government owned vehicles projected on Exhibit E.

Schedule F-II

Maintenance Labor Projection by Tour

| Year | Tour complement[a] | Complement by tour | | | Tour complement as percent of total complement | | |
|---|---|---|---|---|---|---|---|
| | | Tour 1 | Tour 2 | Tour 3 | Tour 1 | Tour 2 | Tour 3 |
| 1970 | 191 | 53[b] | 88[b] | 50[b] | 28 | 46 | 26 |
| 1972 | 192 | 54 | 88 | 50 | Same as 1970[c] | | |
| 1982 | 204 | 57 | 94 | 53 | Same as 1970[c] | | |
| 1992 | 227 | 64 | 104 | 59 | Same as 1970[c] | | |

[a] From Exhibit F, Schedule F-I.
[b] From Exhibit C, Schedule C-I.
[c] Constant.

Schedule F-III

Vehicle Operations Labor Projection

| Job title | Present authorized complement: Number of men[a] | Present authorized complement: Number of vehicles[b] | Men per vehicle[c] | Projected complement (number of men)[d]: 1972 | 1973 | 1974 |
|---|---|---|---|---|---|---|
| Supervisors: | | | | | | |
| Superintendent, Vehicle Operations | 1 | | NA | 1 | 1 | 1 |
| Assistant Superintendent, Vehicle Operations | 1 | | NA | 1 | 1 | 1 |
| Tour Superintendent, Vehicle Operations | 3 | | NA | 3 | 3 | 3 |
| Trailer Utilization Representative | 1 | 381[e] | .001 | 1 | 1 | 1 |
| Administrative Assistant, Vehicle Operations | 1 | 1,112[f] | .001 | 1 | 1 | 1 |
| Central Vehicle Control Officer | 12 | 1,112[f] | .011 | 12 | 13 | 14 |
| Vehicle Accident and Claims Officer | 1 | | NA | 1 | 1 | 1 |
| Vehicle Operations Analyst | 14 | 1,112[f] | .013 | 15 | 16 | 17 |
| Foreman -- Vehicle Dispatcher | 24 | 1,112[f] | .022 | 25 | 26 | 27 |
| Chief, Schedule Exam. Runs | 1 | | NA | 1 | 1 | 1 |
| Chief, Driver Instruction Exam. | 1 | | NA | 1 | 1 | 1 |
| Administrative Assistant | 4 | 1,112[f] | .004 | 5 | 5 | 5 |
| Supervisor subtotal | 64 | | | 67 | 70 | 75 |
| Nonsupervisory positions: | | | | | | |
| Injury Compensation Clerk | 1 | 1,112[f] | .001 | 1 | 1 | 1 |
| Time and Attendance Clerk | 5 | 1,112[f] | .005 | 6 | 6 | 7 |
| Office Clerk, Vehicle Operations | 6 | 1,112[f] | .005 | 6 | 6 | 7 |
| Schedule Exam. Vehicle Runs | 3 | 1,112[f] | .003 | 3 | 4 | 4 |
| Driver Instructor Examiner | 10 | 731[g] | .014 | 11 | 11 | 12 |
| Clerk, Vehicle Dispatcher | 34 | 1,112[f] | .031 | 35 | 37 | 41 |
| Tractor-trailer Operator | 214 | 111[h] | 1.93 | 216 | 232 | 253 |
| Motor Vehicle Operator and Subs | 637 | 620[i] | 1.03 | 645 | 688 | 754 |
| Personnel Clerks | 1 | 1,112[f] | .001 | 1 | 1 | 1 |
| Nonsupervisory subtotal | 911 | | | 924 | 986 | 1,080 |
| Grand total | 975 | | | 991 | 1,056 | 1,155 |

[a] From Exhibit C, Schedule C-I.

[b] From Exhibit B, Schedule B-I.

[c] Where NA (not applicable) appears, the number of men to hold the job title is not related to the number of vehicles, but rather is related to the number of tours or is limited to one per postal area.

[d] Men per vehicle times the number of vehicles. The number of like vehicles for each year is obtained from the projections tabulated on Exhibit E.

[e] From Exhibit B, Schedule B-I: all semitrailers.

[f] From Exhibit B, Schedule B-I: entire fleet.

[g] From Exhibit B, Schedule B-I: subtotal (power vehicles).

[h] From Exhibit B, Schedule B-I: total tractors.

[i] From Exhibit B, Schedule B-I: total power vehicles less tractors.

Schedule F-IV

Operations Labor Projection by Tour

| Year | Total complement[a] | Number requiring space as described | | | Number requiring described space as percent of total complement | | |
|---|---|---|---|---|---|---|---|
| | | Locker[b] | Office[b] | Lunchroom[b] | Locker | Office | Lunchroom |
| 1970 | 975 | 975 | 48 | 47 | 100 | 5 | 5 |
| 1972 | 991 | 991 | 50 | 50 | Same as 1970[c] | | |
| 1982 | 1,056 | 1,056 | 53 | 53 | Same as 1970[c] | | |
| 1992 | 1,155 | 1,155 | 58 | 58 | Same as 1970[c] | | |

[a] From Exhibit F, Schedule F-III.

[b] From Exhibit C, Schedule C-II (lunchroom figure excludes 85 equipment operators).

[c] Constant.

EXHIBIT G

PROJECTED SPACE REQUIREMENTS BY FUNCTION

| Space function | 1972 Factor | 1972 Area[a] (square feet) | 1982 Factor | 1982 Area[a] (square feet) | 1992 Factor | 1992 Area[a] (square feet) | Factor reference |
|---|---|---|---|---|---|---|---|
| Vehicle maintenance | | | | | | | |
| Maintenance foreman's office | 8 clerks | 800 | 9 clerks | 800 | 10 clerks | 1,000 | Total projected complement from Schedule F-I and peak hour percent from Schedule C-I. |
| Time clerk's office | | 300 | | 300 | | 300 | |
| Assistant foreman's office | | 200 | | 200 | | 200 | |
| Chief mechanic's office | 4 foremen | 500 | 4 foremen | 500 | 5 foremen | 600 | Total projected complement from Schedule F-I and peak hour percent from Schedule C-I. |
| Chief of supplies office | 6 clerks | 800 | 7 clerks | 900 | 7 clerks | 900 | Total projected complement from Schedule F-I and peak hour percent from Schedule C-I. |
| Truck and tractor repair bays | 738 vehicles | 17,250 | 789 vehicles | 17,910 | 862 vehicles | 20,010 | Exhibit E: power vehicles. |
| Trailer repair bays | 244 trailers | 4,320 | 270 trailers | 5,400 | 309 trailers | 5,460 | Exhibit E: government-owned fleet. |
| Lubrication bays | 738 vehicles | 4,810 | 789 vehicles | 5,520 | 862 vehicles | 6,210 | Exhibit E: power vehicles. |
| Quick service bays | 738 vehicles | 2,760 | 789 vehicles | 2,760 | 862 vehicles | 2,760 | Exhibit E: power vehicles. |
| Body shop | 738 power vehicles | | 789 power vehicles | | 862 power vehicles | | Exhibit E: power vehicles. |
| | 244 trailers | 11,520 | 270 trailers | 12,210 | 309 trailers | 13,980 | Exhibit E: government-owned fleet. |
| Paint shop | | 5,760 | | 6,110 | | 6,990 | |
| Battery charging room | | 150 | | 150 | | 150 | |
| Transmission shop | 738 vehicles | 400 | 789 vehicles | 400 | 862 vehicles | 400 | Exhibit E: power vehicles. |
| Tire repair shop | 1,123 vehicles | 1,150 | 1,200 vehicles | 1,250 | 1,312 vehicles | 1,350 | Exhibit E: entire fleet. |
| Steam cleaning area | 738 vehicles | 2,760 | 789 vehicles | 2,760 | 789 vehicles | 2,760 | Exhibit E: power vehicles. |
| Wash racks | 3 washers | 3,600 | 3 washers | 3,600 | 3 washers | 3,600 | Two existing washers plus semi-trailer automatic washer. |
| Fueling area | 2 locations | 2,880 | 2 locations | 2,880 | 2 locations | 2,880 | New York POD. |
| Parts, materials and tools storage | 982 vehicles | 10,800 | 1,059 vehicles | 11,650 | 1,171 vehicles | 12,880 | Exhibit E: government-owned vehicles. |
| Safety check lane | 2 lanes | 2,880 | 2 lanes | 2,880 | 2 lanes | 2,880 | New York POD. |
| Junk room | | 250 | | 250 | | 250 | |
| Records room | | 150 | | 150 | | 150 | |
| Total | | 74,090 | | 73,710 | | 85,650 | |
| Vehicle operations | | | | | | | |
| Main office | 13 employees | 1,300 | 13 employees | 1,300 | 14 employees | 1,400 | Total projected complement from Schedule F-III and peak hour percent from Schedule C-II. |
| Superintendent and assistant superintendent offices | 1 each | 500 | 1 each | 500 | | 500 | |
| Sundry supervisors' offices within main office | 8 supervisors | 1,200 | 8 supervisors | 1,200 | 9 supervisors | 1,350 | Total projected complement from Schedule F-III. |
| Dispatcher's office | 6 employees | 600 | 6 employees | 600 | 7 employees | 700 | Total projected complement from Schedule F-III and peak hour percent from Schedule C-II. |
| Radio control room | 5 dispatchers | 420 | 5 dispatchers | 420 | 6 dispatchers | 500 | Total projected complement from Schedule F-III and peak hour percent from Schedule C-II. |
| Sundry supervisors' offices within dispatcher's office and radio control room | 6 supervisors | 900 | 6 supervisors | 900 | 7 supervisors | 1,050 | Total projected complement from Schedule F-III and peak hour percent from Schedule C-II. |
| Total | | 4,920 | | 4,920 | | 5,500 | |

[a]Areas were calculated with the given factors and standards for each space function shown on Exhibit D.

| Space function | 1972 Factor | 1972 Area[a] (square feet) | 1982 Factor | 1982 Area[a] (square feet) | 1992 Factor | 1992 Area[a] (square feet) | Factor reference |
|---|---|---|---|---|---|---|---|
| Parking, active DOD vehicles | | | | | | | |
| One-half ton vehicles | 14 vehicles | 10,300 | 17 vehicles | 11,900 | 40 vehicles | 12,800 | Exhibit E. Chief officers and below one three-quarter ton truck |
| Three-quarter, one-ton, and two and one-half ton trucks | 417 trucks | 144,210 | 462 trucks | 158,110 | 510 trucks | 168,160 | Exhibit E. Chief officers and below one three-quarter ton truck |
| Buses/vans/trucks | 121 trucks | 66,420 | 141 trucks | 70,740 | 144 trucks | 77,760 | 22.4 percent of fourteen-year fleet from Exhibit E |
| Tractors | 73 tractors | 31,600 | 81 tractors | 33,600 | 92 tractors | 36,800 | 20.4 percent of twelve-year fleet from Exhibit E |
| Semitrailers | 73 trailers | 56,940 | 81 trailers | 64,190 | 93 trailers | 72,540 | 10.1 percent of seven-year fleet from Exhibit E |
| Total | | 309,370 | | 333,540 | | 368,200 | |
| Other parking | | | | | | | |
| GSA autos | 10 autos | 9,000 | 30 autos | 9,000 | 30 autos | 9,000 | New York 1980, |
| Employee autos | 425 employees | 38,100 | 454 employees | 41,100 | 498 employees | 45,000 | Schedule F-II, Total Tour 2, plus Schedule F-IV, Total Tour 2, plus Schedule F-III, one-half of equipment operators. |
| DOD vehicles awaiting disposal | | 0 | | 0 | | 0 | Area to be provided elsewhere |
| Total | | 47,100 | | 50,100 | | 54,000 | |
| Employee facilities | | | | | | | |
| Locker room, drivers | 861 drivers | 5,170 | 920 drivers | 5,520 | 1,007 drivers | 6,040 | Schedule F-III, equipment operators, Schedule F-II, total less supervisors and clerks |
| Locker room, maintenance | 147 employees | 880 | 156 employees | 940 | 175 employees | 1,050 | |
| Locker closets, office employees | 175 employees | 1,050 | 184 employees | 1,100 | 200 employees | 1,200 | Supervisors and clerks from Schedule F-I plus total excluding operators from Schedule F-III |
| Lunchroom operations | 50 employees | 400 | 53 employees | 430 | 58 employees | 460 | Schedule F-IV. |
| Lunchroom maintenance | 88 employees | 700 | 94 employees | 750 | 104 employees | 830 | Schedule F-II, Tour 2 |
| Lounges and/or seating room | | 370 | | 300 | | 430 | |
| Total | | 8,570 | | 9,130 | | 10,010 | |
| Building equipment and support | | | | | | | |
| Janitors' closet | 488,800 square feet | 1,340 | 521,600 square feet | 1,430 | 569,250 square feet | 1,570 | |
| Custodial supplies storage | 488,800 square feet | 1,100 | 521,600 square feet | 1,170 | 569,250 square feet | 1,280 | |
| Heating, ventilating, air-conditioning, etc. | 90,000 square feet | 4,500 | 95,400 square feet | 4,770 | 104,000 square feet | 5,200 | |
| Total | | 6,940 | | 7,370 | | 8,050 | |
| Ramps, ramp access and maintenance area access driveways, stairwells, elevators, walkways, shelters, etc. | 4-level VMF | 37,840 | 4-level VMF | 37,840 | 4-level VMF | 37,840 | Existing number of levels at 11th and 53rd Streets. |
| Grand total | | 488,800 | | 521,600 | | 569,250 | |

[a]Areas were calculated with the given factors and standards for each space function shown on Exhibit D.

EXHIBIT H

SUMMARY OF SPACE REQUIREMENTS

| Space function | Existing area[a] | Present required area[b] | Projected area requirement[c] 1974 | 1981 | 1992 |
|---|---|---|---|---|---|
| **Vehicle maintenance and support** | | | | | |
| General office | 840 | 800 | 800 | 900 | 1,000 |
| Director's office | 300 | 400 | 400 | 400 | 400 |
| Assistant director's office | 150 | 200 | 200 | 200 | 200 |
| Chief mechanic office | 510 | 500 | 500 | 500 | 500 |
| Chief of supplies office | 770 | 800 | 800 | 800 | 800 |
| Truck and tractor repair bays | 40,910 | 14,560 | 17,200 | 17,910 | 23,010 |
| Trailer repair bays | | 4,320 | 4,320 | 5,400 | 6,480 |
| Lubrication bays | 3,880 | 4,840 | 4,840 | 5,520 | 6,240 |
| Quick service bays | 6,200 | 2,760 | 2,760 | 2,760 | 2,760 |
| Body shop | 11,470 | 11,520 | 11,520 | 12,210 | 13,910 |
| Paint shop | 5,640 | 5,760 | 5,760 | 6,110 | 6,910 |
| Battery charging room | 350 | 350 | 350 | 350 | 350 |
| Transmission shop | 1,600 | 400 | 400 | 400 | 400 |
| Tire repair shop | 4,760 | 1,150 | 1,150 | 1,250 | 1,450 |
| Steam cleaning area | 2,730 | 2,760 | 2,760 | 2,760 | 2,760 |
| Wash racks | 2,920 | 3,600 | 3,600 | 3,600 | 3,600 |
| Fueling area | 1,900 | 2,880 | 2,880 | 2,880 | 2,880 |
| Parts, materials, and tools storage | 12,650 | 10,080 | 10,800 | 11,520 | 12,960 |
| Safety check line | 1,440 | 2,880 | 2,880 | 2,880 | 2,880 |
| Junk room | 1,000 | 250 | 250 | 250 | 250 |
| Records room | 1,500 | 150 | 150 | 150 | 150 |
| Total | 102,040 | 73,250 | 74,080 | 78,710 | 85,630 |
| **Vehicle operations:** | | | | | |
| Main office | 2,700 | 1,200 | 1,300 | 1,300 | 1,400 |
| Superintendent and assistant superintendent offices | 740 | 500 | 500 | 500 | 500 |
| Sundry supervisors' offices within main office | | 1,200 | 1,200 | 1,200 | 1,350 |
| Dispatchers' office | 910 | 500 | 600 | 600 | 700 |
| Radio control room | 630 | 420 | 420 | 420 | 500 |
| Sundry supervisors' offices within dispatchers' office and radio control room | | 900 | 900 | 900 | 1,050 |
| Total | 4,980 | 4,720 | 4,920 | 4,920 | 5,500 |
| **Parking, active POD vehicles** | 178,870 | | | | |
| One half-ton vehicles | | 10,200 | 10,200 | 11,900 | 12,800 |
| Three quarter-, one-, two-, and two and one half-ton trucks | | 142,890 | 144,210 | 154,110 | 168,400 |
| Five-ton trucks | | 65,340 | 66,420 | 70,740 | 77,760 |
| Tractors | | 31,200 | 31,600 | 33,600 | 36,800 |
| Semitrailers | | 56,160 | 56,940 | 63,180 | 72,530 |
| Total | 178,870 | 305,790 | 309,370 | 333,530 | 368,200 |
| **Other parking:** | | | | | |
| GSA autos | 3,740 | 9,000 | 9,000 | 9,000 | 9,000 |
| Employee autos | 0 | 37,800 | 38,100 | 41,100 | 45,000 |
| POD vehicles awaiting disposal | 22,500 | 0 | 0 | 0 | 0 |
| Total | 26,240 | 46,800 | 47,100 | 50,100 | 54,000 |
| | 7,320 | | | | |
| **Employee facilities:** | | | | | |
| Locker room, drivers | | 5,110 | 5,170 | 5,520 | 6,040 |
| Locker room, maintenance | | 870 | 880 | 940 | 1,030 |
| Locker closets, office employees | | 1,020 | 1,050 | 1,100 | 1,200 |
| Lunchroom, operations | | 380 | 400 | 430 | 460 |
| Lunchroom, maintenance | | 700 | 700 | 750 | 830 |
| Lounges and/or swingrooms | | 360 | 370 | 390 | 410 |
| Total | 7,320 | 8,440 | 8,570 | 9,130 | 10,010 |
| **Building equipment and support** | | | | | |
| Janitors' closet | 0 | 1,330 | 1,340 | 1,430 | 1,570 |
| Custodial supplies storage | 3,250 | 1,030 | 1,100 | 1,170 | 1,280 |
| Heating, ventilating, air conditioning, etc. | 1,540 | 4,440 | 4,500 | 4,770 | 5,200 |
| Total | 4,790 | 6,860 | 6,940 | 7,370 | 8,050 |
| **Ramps, ramp access and maintenance area access driveways, stairwells, elevators, walkways, shelters, etc.** | 37,840 | 37,840 | 37,840 | 37,840 | 37,840 |
| **Grand total** | 362,080 | 483,700 | 489,800 | 521,600 | 569,250 |

[a] From Exhibit A, Schedule A-II.
[b] From Exhibit D.
[c] From Exhibit G.

H

## EXHIBIT I

## CITY BLOCK ALTERNATE

A new VMF constructed on a full city block could have outside dimensions of approximately 800 by 200 feet resulting in a floor area of 155,000 usable square feet. In the design year, 1992, for the estimated total space requirement of 570,000 square feet, the building will need slightly over three and one-half floors.

A basement level is recommended for one of the floors. Using the basement and second floors for vehicle parking will hasten ingress and egress saving driver time. The movement of vehicles to and from a third story to the street would require more time. In addition, if the block varies in elevation, entrances to the basement level from the lowest street elevation will reduce space required for ramps.

The basic layout is listed in the accompanying table. Advantageous features of this layout include the following:

1. Lower numbers of levels cut down on ramp space as a percent of total space and permit faster movement of vehicles.

2. The maintenance area is located on the street level, and due to the limited number of floors, permits faster vehicle movement to and from parking spaces.

3. Trailer parking in the basement and on the first floor eliminates the need for ramps at higher levels designed to accommodate 50-foot tractor-trailer combinations.

4. Offices are centrally located for better control of operations.

5. Employee parking on the third floor occupies the least valuable space in terms of lower operating costs.

Projected Space Allocation by Floor

| Floor level | Function | Area required[a] (square feet) |
|---|---|---|
| Basement | Tractor parking (all) | 36,800 |
| | Five-ton truck parking (all) | 77,800 |
| | Custodial supplies storage | 1,300 |
| | Ramp and access areas | 6,000[b] |
| | Heating, ventilating, and air conditioning | 5,200 |
| | Trailer parking | 27,900 |
| | Subtotal (basement) | 155,000 |
| First | Trailer parking | 44,700 |
| | Vehicle maintenance and support | 85,700[c] |
| | GSA vehicle parking | 9,000 |
| | Ramp and access areas | 15,600[b] |
| | Subtotal (first floor) | 155,000 |
| First floor mezzanine | All offices (except radio and dispatcher offices) | 6,200 |
| | Janitor's closet | 1,600 |
| | Employee facilities (except drivers' lockers) | 4,000 |
| | Subtotal (mezzanine) | 11,800 |
| Second | Radio and dispatcher offices | 1,400 |
| | Drivers' lockers | 6,100 |
| | Ramp and access areas | 12,000[b] |
| | Parking, one-and two-ton trucks | 135,500 |
| | Subtotal (second floor) | 155,000 |
| Third | Ramps and access areas | 6,000[b] |
| | Parking, three quarter- and one-ton trucks | 32,800 |
| | Parking, one half-ton vehicles | 12,800 |
| | Employee auto parking | 45,000 |
| | Subtotal (third floor) | 96,600 |
| | Total | 573,400[d] |

[a]From Exhibit H for 1992, rounded to next highest hundred square feet.

[b]Ramp area for the entire building is estimated at 38,000 square feet, divided by floor as follows: Basement, 6,000; First, 14,000, Second, 12,000; Third, 6,000.

[c]Does not include any office space listed on Exhibit H for vehicle maintenance and support, but does include an addition of 3,000 square feet for a training and testing area.

[d]Varies from total figure on Exhibit H due to rounding and the addition of testing and training areas.

EXHIBIT J

COMPARISON OF PROPOSED AREAS
SHARP PROPERTY DEVELOPMENT VERSUS DS/SD[a]

(1992)

| Space function | Proposed area by Sharp[a] (square feet) | Proposed area by DS/SD[b] (square feet) |
|---|---|---|
| **Vehicle maintenance and support:** | | |
| General office | 2,720 | 1,000 |
| Director's office | 2,520 | 500 |
| Assistant Director's office | 0 | 600 |
| Chief mechanic office | 0 | 900 |
| Chief of supplies office | 24,170 | 25,410 |
| Truck and tractor repair bays | 10,220 | 6,210 |
| Trailer repair bays | 1,160 | 2,760 |
| Lubrication bays | 8,840 | 13,980 |
| Quick service bays | 2,560 | 6,990 |
| Body shop | 0 | 150 |
| Paint shop | 0 | 400 |
| Battery charging room | 2,580 | 1,350 |
| Transmission shop | 0 | 2,760 |
| Tire repair shop | 1,500 | 3,600 |
| Steam cleaning area | 1,140 | 2,880 |
| Wash racks | 10,480 | 12,830 |
| Fueling area | 1,160 | 2,880 |
| Parts, materials, and tools storage | 0 | 250 |
| Safety check lane | 0 | 150 |
| Junk room | | |
| Records room | 69,050 | 85,650 |
| **Total** | | |
| **Vehicle operations:** | | |
| Main office | 2,720 | 1,400 |
| Superintendent and Assistant Superintendent offices | | 500 |
| Sundry supervisors' offices within main office | 500 | 1,350 |
| Dispatcher's office | 670 | 700 |
| Radio control room | | 500 |
| Sundry supervisors' offices within dispatcher's office and radio control room | | 1,050 |
| **Total** | 3,890 | 5,500 |

[a]Areas were determined from floor plan layouts of the "Alternate Facility Plan" dated 7 August 1970, and proposed by Sharp Property Development.

[b]From Exhibit H.



1945C

| Space function | Proposed area by Sharp[a] (square feet) | Proposed area by DFS/SD[b] (square feet) |
|---|---|---|
| Parking, active POD vehicles: | | |
| One half-ton vehicles | 0 | 12,800 |
| Three quarter-, one-, two-, and two and one half-ton trucks | 296,420 | 168,300 |
| Five-ton trucks | | 77,760 |
| Tractors | 60,880 | 36,800 |
| Semitrailers | 59,030 | 72,510 |
| Total | 416,330 | 368,200 |
| Other parking: | | |
| GSA autos | 7,610 | 9,000 |
| Employee autos | 55,550 | 45,000 |
| POD vehicles awaiting disposal | 56,320 | 0 |
| Total | 119,480 | 54,000 |
| Employee facilities: | | |
| Locker room, drivers | 480 | 6,040 |
| Locker room, maintenance | 1,200 | 1,050 |
| Locker room, supervisors | 960 | 1,200 |
| Lunchroom, operations | 2,040 | 460 |
| Lunchroom, maintenance | 2,580 | 830 |
| Lounges and/or swingrooms | 0 | 430 |
| Total | 7,260 | 10,010 |
| Building equipment and support: | | |
| Janitor's closet | 0 | 1,570 |
| Custodial supplies storage | 0 | 1,280 |
| Heating, ventilating, air-conditioning, etc. | 2,460 | 5,200 |
| Total | 2,460 | 8,050 |
| Ramps, ramp access and maintenance area access driveways, stairwells, elevators, walkways, shelters, etc. | 165,660 | 165,660[c] |
| Grand total | 784,130 | 697,070 |

[a]Areas were determined from floor plan layouts of the "Alternate Facility Plan" dated 7 August 1970, and proposed by Sharp Property Development.

[b]From Exhibit H.

[c]Ramp area increased to compensate for increase from 4 levels to 15.

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13 September 1971

LETTER-REPORT

Mr. Harold F. Faught
Senior Assistant Postmaster General
Mail Processing
United States Postal Service
12th Street & Pennsylvania Avenue, N.W.
Washington, D.C. 20260

Dear Mr. Faught:

This Report recommends a plan for the construction of a VMF and vehicle parking garage to support the mail system in Manhattan. In summary, the plan consists of:

1. Construction of a high-rise, multi-purpose building on the site bounded by 28th and 29th Streets and 9th and 10th Avenues. This site is the vacant lot south of Morgan Station.

2. Occupancy by the USPS Vehicle Maintenance Service (VMS) of the first two basement levels below grade level and the first two floors above grade level.

3. Occupancy by others than USPS of all upper floors.

To enhance these recommendations two restrictions are desirable. They are:

1. USPS access to the building from 29th Street only. Chelsea Park is south of the lot, 9th and 10th Avenues are main city arteries. By restricting the USPS access to the building from 29th Street, the neighboring community can be shielded from the hazards of truck movements and noise, and postal interference with the flow of traffic on the north-south arteries can be avoided.

2. Exclusive use of 29th Street by USPS. The main truck docks at the Morgan Station face on 29th Street. Parking trucks at the docks requires the use of the street for maneuvering and, on occasion, also requires parking the nose of tractors in the street. If access to the VMF is also off-29th Street, then public use of the street will be difficult for the public and the USPS.

The development of this VMF plan is part of the overall development of the New York Metropolitan Area. This area, which consists of New York City and adjacing counties within an approximately 50-mile radius of Manhattan, is currently served by 602 post offices and major stations grouped in 13 sectional center areas. It is the most complex segment and has the greatest mail volume of any postal system in the world. To provide service to customers in the area requires a gateway preferential processing plant and supporting facilities through which mail can be funneled into and out of the area. Further service requires that the processing plant be in Manhattan where there is the highest concentration of originating and destinating mail. For a variety of reasons, the ideal location for the plant is on the west side of Manhattan in the present GPO/Morgan area. USPS employees can readily get to the area on public transportation, the area is served by the Penn Central Railroad, the area has ready access to highway bridges and tunnels to the west, 9th and 10th Avenues permit reasonable transport to other postal locations on Manhattan, and the location is convenient for private mailers.

For these reasons and economic analyses which show that when postal buildings are now available and can be modernized they should be reused, the Morgan Station structure is being refurbished and equipped to be the gateway [illegible]

mail processing plant for the New York Metropolitan Area.

Most of the movement into and out of a processing plant is by motor vehicle. Therefore, a second requirement is the need for space to park these vehicles and to maintain them. Ideally, the maintenance and parking facility should be located adjacent to the processing plant to minimize street congestion between the processing plant and the VMF and to keep employees' time to a minimum to obtain and return vehicles. At present, the GPO on Manhattan is the gateway processing plant, and vehicle maintenance is done in antiquated rental facilities at 34th Street and 53rd Street (Exhibit A). Grossly inadequate parking space is provided on lots at 34th Street, 53rd Street, 29th Street, and on Pier 74. The best evidence of lack of parking space is the large number of USPS trucks parked on side streets in the area surrounding the GPO. During the weeknights these number about 175, on Sunday nights over 300. These vehicles on city streets not only congest the streets but are subject to collision damage and vandalism (Exhibit B). During December 1970, DS/SD made a study to determine space needs for maintenance and parking postal vehicles. The results of the study are contained in our Report titled "Manhattan VMF Evaluation," dated 28 December 1970. The Report shows that the space required for maintenance and parking is 488,800 square feet in 1972 and 569,250 square feet in 1992 (Exhibit D). In acres these are approximately 11.5 and 13. Vehicles maintenance and parking can best be accomplished in a single-story facility. However, on Manhattan, where land area is at a premium, it is unrealistic to consider a single-storied

structure to fulfill the large area requirement. It has been determined that a realistic tradeoff of the extra costs incurred in construction and operating, and land area requirements is a facility of four floors of about 155,000 square feet per floor for a total of 620,000 square feet. The additional space above that for a single-storied structure (569,250 square feet) being used for vehicle ramps and personnel stairwells. A typical city block such as that located between 9th and 10th Avenues, approximately 800 feet long by 200 feet wide, will yield the desired net area per floor.

Exhibit C are views of the area surrounding the Morgan Station. Significant in these views is the obvious lack of ground area near the Morgan Station with the exception of the lot south of Morgan which is obviously best for USPS' vehicle needs.

The clear problem, however, to the use of the lot is its location in the Chelsea district. South and east of the lot are Chelsea Park and public and residential buildings. Also, the Chelsea Community has expressed an urgent need for urban housing and adequate public facilities.

Although the Morgan lot is the best location for a VMF the lot's location in the Chelsea Community has demanded consideration of possible alternates. In August of 1970, the Sharp Property Development Corporation proposed a combination VMF and parking facility on half a block on the north side of 29th Street between 11th and 12th Avenues. DS/SD and the New York Region considered this proposal although the VMF and parking garage were proposed on several more

floors than desired and the location would be inconvenient for good postal operations. Numerous discussions were held between the New York Region and the various representatives of the Sharp Property Development Corporation. However, the needs of the postal service and the Sharp Property Development Corporation could not be resolved. Also, consideration was given to the possibility of using rebuilt New York City piers along the North River. However, various city proposals for the use of the piers, their high cost to rebuild, their inconvenient location for postal employees and postal operations, and the congestion that would be created by truck traffic to the piers eliminated them from consideration.

It is important that this problem of a VMF/parking facility and the needs of the community be resolved as soon as possible in the interest of all. While the outline of a plan recommended above is not the best for any one group, we believe that viable alternates to the plan have been thoroughly evaluated and the plan which is recommended can provide significant benefits to the USPS and the public.

We will be pleased to discuss it at your convenience.

Sincerely,

Stanley A. Young
Director

SAY:ew
Attachment

EXHIBIT I

CITY BLOCK ALTERNATE

A new VMF constructed on a full city block could have outside dimensions of approximately 800 by 200 feet resulting in a floor area of 155,000 usable square feet. In the design year, 1992, for the estimated total space requirement of 570,000 square feet, the building will need slightly over three and one-half floors.

A basement level is recommended for one of the floors. Using the basement and second floors for vehicle parking will hasten ingress and egress saving driver time. The movement of vehicles to and from a third story to the street would require more time. In addition, if the block varies in elevation, entrances to the basement level from the lowest street elevation will reduce space required for ramps.

The basic layout is listed in the accompanying table. Advantageous features of this layout include the following:

1. Lower numbers of levels cut down on ramp space as a percent of total space and permit faster movement of vehicles.

2. The maintenance area is located on the street level, and due to the limited number of floors, permits faster vehicle movement to and from parking spaces.

3. Trailer parking in the basement and on the first floor eliminates the need for ramps at higher levels designed to accommodate 50-foot tractor-trailer combinations.

4. Offices are centrally located for better control of operations.

5. Employee parking on the third floor occupies the least valuable space in terms of lower operating costs.

## Projected Space Allocation by Floor

| Floor level | Function | Area required[a] (square feet) |
|---|---|---|
| Basement | Tractor parking (all) | 36,800 |
| | Five-ton truck parking (all) | 77,800 |
| | Custodial supplies storage | 1,300 |
| | Ramp and access areas | 6,000[b] |
| | Heating, ventilating, and air conditioning | 5,200 |
| | Trailer parking | 27,900 |
| | Subtotal (basement) | 155,000 |
| First | Trailer parking | 44,700 |
| | Vehicle maintenance and support | 85,700[c] |
| | GSA vehicle parking | 9,600 |
| | Ramp and access areas | 15,000[b] |
| | Subtotal (first floor) | 155,000 |
| First floor mezzanine | All offices (except radio and dispatcher offices) | 6,200 |
| | Janitor's closet | 1,800 |
| | Employee facilities (except drivers' lockers) | 4,000 |
| | Subtotal (mezzanine) | 11,800 |
| Second | Radio and dispatcher offices | 1,400 |
| | Drivers' lockers | 6,100 |
| | Ramp and access areas | 12,000[b] |
| | Parking, one-and two-ton trucks | 135,500 |
| | Subtotal (second floor) | 155,000 |
| Third | Ramps and access areas | 6,000[b] |
| | Parking, three quarter- and one-ton trucks | 32,800 |
| | Parking, one half-ton vehicles | 12,800 |
| | Employee auto parking | 43,000 |
| | Subtotal (third floor) | 96,600 |
| | Total | 573,400[d] |
| | abov: space for diesel fuel tanks etc. = | 1,000 |
| | | 515,000 |

[a] From Exhibit II for 1992, rounded to next highest hundred square feet.

[b] Ramp area for the entire building is estimated at 36,000 square feet, divided by floor as follows: Basement, 6,000; First, 14,000; Second, 12,000; Third, 6,000.

[c] Does not include any office space listed on Exhibit II for vehicle maintenance and support, but does include an addition of 3,000 square feet for a training and testing area.

[d] Varies from total figure on Exhibit II due to rounding and the addition of testing and training areas.

EXHIBIT I

COMPARISON OF PROPOSED AREAS
SHARP PROPERTY DEVELOPMENT VERSUS DS/SC

(1992)

| Space function | Proposed area by Sharp[a] (square feet) | Proposed area by DS/SC[b] (square feet) |
|---|---|---|
| **Vehicle maintenance and support:** | | |
| General office | 2,720 | 1,000 |
| Director's office | 2,520 | 500 |
| Assistant Director's office | 0 | 600 |
| Chief mechanic office | 0 | 500 |
| Chief of supplies office | 24,170 | 25,410 |
| Truck and tractor repair bays | 10,220 | 6,210 |
| Trailer repair bays | 1,160 | 2,760 |
| Lubrication bays | 8,840 | 13,980 |
| Quick service bays | 2,560 | 6,900 |
| Body shop | 0 | 150 |
| Paint shop | 0 | 400 |
| Battery charging room | 2,580 | 1,350 |
| Transmission shop | 0 | 2,760 |
| Tire repair shop | 1,500 | 3,600 |
| Steam cleaning area | 1,140 | 2,880 |
| Wash racks | 10,420 | 12,880 |
| Fueling area | 1,160 | 2,880 |
| Parts, materials, and tools storage | 0 | 250 |
| Safety check lane | 0 | 150 |
| Junk room | | |
| Records room | 69,050 | 88,050 |
| **Total** | | |
| **Vehicle operations:** | | |
| Main office | 2,720 | 1,400 |
| Superintendent and Assistant Superintendent offices | | 500 |
| Sundry supervisors' offices within main office | 500 | 1,350 |
| Dispatcher's office | 570 | 700 |
| Radio control room | | 500 |
| Sundry supervisors' offices within dispatcher's office and radio control room | | 1,050 |
| **Total** | 3,890 | 5,500 |

[a]Areas were determined from floor plan layouts of the "Alternate Facility Plan" dated 7 August 1970, and proposed by Sharp Property Development.

[b]From Exhibit H.

| Space function | Proposed by Sharp (square feet) | Proposed area by DSA/SD[a] (square feet) |
|---|---|---|
| Parking, active POD vehicles: | | |
| One half-ton vehicles | 0 | 12,800 |
| Three quarter-, one [illegible] and one half-ton trucks | 206,420 | 108,300 |
| Five-ton trucks | | 77,760 |
| Tractors | 60,880 | 30,600 |
| Semitrailers | 50,030 | 72,540 |
| Total | 416,330 | 308,200 |
| Other parking: | | |
| GSA autos | 7,610 | 9,000 |
| Employee autos | 55,550 | 45,000 |
| POD vehicles awaiting disposal | 56,320 | 0 |
| Total | 119,480 | 54,000 |
| Employee facilities: | | |
| Locker room, drivers | 480 | 6,040 |
| Locker room, maintenance | 1,200 | 1,050 |
| Locker room, supervisors | 960 | 1,200 |
| Lunchroom, operations | 2,040 | 460 |
| Lunchroom, maintenance | 2,580 | 830 |
| Lounges and/or swingrooms | 0 | 430 |
| Total | 7,260 | 10,010 |
| Building equipment and support: | | |
| Janitor's closet | 0 | 1,570 |
| Custodial supplies storage | 0 | 1,220 |
| Heating, ventilating, air-conditioning, etc. | 2,460 | 5,260 |
| Total | 2,460 | 8,050 |
| Ramps, ramp access and maintenance area access driveways, stairwells, elevators, walkways, shelters, etc. | 165,600 | 165,600[c] |
| Grand total | 784,130 | 697,070 |

[a]Areas were determined from floor plan layouts of the "Alternate Facility Plan" dated 7 August 1970, and proposed by Sharp Property Development.

[b]From Exhibit II.

[c]Ramp area increased to compensate for increase from 4 levels to 15.

| Space function | Area location for:[a] 34th Street YMF | 33rd Street YMF | Pier 70th and 33rd Street info | Total 34th and 33rd Street YMFs and info | Fifth Avenue YMF |
|---|---|---|---|---|---|
| | | | | | 10,080 |
| Vehicle maintenance and support: | | | | | |
| General office | 840 | 0 | | 840 | |
| Director's office | 300 | 0 | | 300 | |
| Assistant director's office | 150 | 0 | | 150 | |
| Chief mechanic office | 130 | 400 | | 530 | |
| Chief of supplies office | 770 | 0 | | 770 | |
| Truck and tractor repair bays | 34,810[c] | 16,100[c] | | 40,910[c] | |
| Trailer repair bays | 3,280 | 680 | | 3,280 | |
| Lubrication bays | 6,200 | 0 | | 6,200 | |
| Quick service bays | 10,410 | 1,060 | | 11,470 | |
| Body shop | 5,040 | 0 | | 5,040 | |
| Paint shop | 640 | 150 | | 790 | |
| Battery charging room | 1,600 | 0 | | 1,600 | |
| Transmission shop | 4,780 | 0 | | 4,780 | |
| Tire repair shop | 2,730 | 0 | | 2,730 | |
| Steam cleaning area | 1,200 | 1,120 | | 2,920 | |
| Wash racks | 1,140 | 760 | | 1,900 | |
| Fueling area | | | | | |
| Parts, materials and tools storage | 11,310 | 1,340 | | 12,650 | |
| Safety check lane | 1,440 | 0 | | 1,440 | |
| Junk room | 1,000 | 0 | | 1,000 | |
| Records room | 1,500 | 0 | | 1,560 | |
| Total | 80,400 | 21,640 | | 102,040 | 10,080 |
| Vehicle operations: | | | | | |
| Main office | 2,700 | 0 | | 2,700 | |
| Superintendent and Assistant Superintendent's offices | 740 | 0 | | 740 | |
| Dispatcher's office | 630 | 280 | | 910 | |
| Radio control room | 630 | 0 | | 630 | |
| Total | 4,700 | 280 | | 4,930 | |
| | 87,700[b] | 48,220[b] | 42,950[b] | 178,870[b] | 39,250 |
| Parking, active POD vehicles: | | | | | |
| One half-ton vehicles[j] | | | | | |
| Three quarter-, one-, two-, and two and one half-ton trucks[j] | | | | | |
| Five-ton trucks[j] | | | | | |
| Tractors[j] | | | | | |
| Semitrailers[j] | | | | | |
| Total | 87,700 | 48,220 | 42,950 | 178,870[i] | 39,250 |
| Other parking: | | | | | |
| GSA autos | 3,740[c] | 0 | 0 | 3,740[c] | |
| Employee autos[d] | 0 | 0 | 0 | 0 | |
| POD vehicles awaiting disposal | 0 | 0 | 22,500[h] | 22,500[h] | |
| Total | 3,740 | 0 | 22,500 | 26,240 | |

11-13C

Schedule A-II

Feet of Space Allocated by Function[a]

| Space function | Area (square feet)[1] | | | | |
|---|---|---|---|---|---|
| | 34th Street VMF | 53rd Street VMF | Pier 74th and 53rd Street lots | Total 34th and 53rd Street VMF's and lots | FDR Station VMF |
| Vehicle maintenance and support: | | | | | 10,080 |
| General office | 840 | 0 | | 840 | |
| Director's office | 300 | 0 | | 300 | |
| Assistant director's office | 150 | 0 | | 150 | |
| Chief mechanic office | 130 | 460 | | 590 | |
| Chief of supplies office | 770 | 0 | | 770 | |
| Truck and tractor repair bays | 24,810[c] | 16,100[c] | | 40,910[c] | |
| Trailer repair bays | 3,230 | 650 | | 3,880 | |
| Lubrication bays | 6,200 | 0 | | 6,200 | |
| Quick service bays | 10,410 | 1,060 | | 11,470 | |
| Body shop | 5,640 | 0 | | 5,640 | |
| Paint shop | 640 | 150 | | 790 | |
| Battery charging room | 1,600 | 0 | | 1,600 | |
| Transmission shop | 4,760 | 0 | | 4,760 | |
| Tire repair | 2,730 | 0 | | 2,730 | |
| Steam cleaning area | 1,800 | 1,120 | | 2,920 | |
| Wash racks | 1,140 | 760 | | 1,900 | |
| Fueling area | | | | | |
| Parts, materials and tools storage | 11,310 | 1,340 | | 12,650 | |
| Safety check lane | 1,440 | 0 | | 1,440 | |
| Junk room | 1,000 | 0 | | 1,000 | |
| Records room | 1,500 | 0 | | 1,500 | |
| Total | 80,400 | 21,640 | | 102,040 | 10,080 |
| Vehicle operations: | | | | | |
| Main office | 2,700 | 0 | | 2,700 | |
| Superintendent and Assistant Superintendent's offices | 740 | 0 | | 740 | |
| Dispatcher's office | 630 | 280 | | 910 | |
| Radio control room | 630 | 0 | | 630 | |
| Total | 4,700 | 280 | | 4,980 | |
| Parking, active POD vehicles: | 87,700[b] | 48,220[b] | 32,950[b] | 178,870[b] | 39,250 |
| One half-ton vehicles | | | | | |
| Three quarter-, one-, two-, and two and one half-ton trucks | | | | | |
| Five-ton trucks | | | | | |
| Tractors | | | | | |
| Semitrailers | | | | | |
| Total | 87,700 | 48,200 | 42,950 | 178,870[f] | 39,250 |
| Other parking: | | | | | |
| GSA autos | 3,740[c] | 0 | 0 | 3,740[c] | |
| Employee autos[d] | 0 | 0 | 0 | 0 | |
| POD vehicles awaiting disposal | 0 | 0 | 22,500[b] | 22,500[b] | |
| Total | 3,740 | 0 | 22,500 | 26,240 | |

This is a report on the results of work performed [illegible] to a request of [illegible] where authorization for this report.

COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

file - Manhattan VMF

FEB 14 1972

B-114874

Dear Mrs. Abzug:

Your letter of December 1, 1971, requested that our Office analyze the material furnished to you by the Postal Service regarding two proposals for obtaining a vehicle maintenance facility (VMF) in New York City.

The proposals concerned the question of whether the Postal Service should (1) construct for ownership a VMF on land owned by the Postal Service adjacent to the Morgan Postal Station (Morgan Annex site) or (2) negotiate to lease a similar VMF to be constructed by Sharp Development Corporation on land about 2 city blocks from the Morgan Annex site.

Postal Service representatives informed us that their cost analysis was prepared in 1 day at the request of the Service's Board of Governors. Therefore the data was preliminary and items of estimated Government ownership costs were not supported by adequate detailed information.

A representative of the Sharp organization told us that, after its lease proposal was made about a year earlier, construction costs had risen sharply; therefore such increased costs would have to be considered in any formal agreement made with the Postal Service.

Your office agreed that, because of the lack of supporting data for the Postal Service cost estimates and the time constraints for reporting to you, the information furnished by the Postal Service need not be verified. On the basis of available data, our comparative cost analysis shows that it would be more economical for the Postal Service to construct for ownership a VMF on the Morgan Annex site.

In our analysis, we have stated costs in terms of the current purchasing power of the dollar and we have discounted future costs and receipts to state them in terms of their present value. In contrast, the costs shown by the Postal Service are actual dollar flows expected over a 20-year period.

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The following table shows our comparison of estimated alternative costs using the discounting method.

Comparison of Alternative Estimated Costs

| | Postal Service estimated cost totals | GAO-adjusted cost estimates--present value |
|---|---|---|
| Government ownership costs (Morgan Annex site): | | |
| Land | $ 9,600,000 | $ 9,600,000 |
| Sale of air rights | -4,000,000 | -3,738,000 |
| Building | 20,787,000 | 19,572,000 |
| Residual value of land and building | -21,296,000 | -2,347,000 |
| Estimated Government ownership costs | 5,091,000 | 23,087,000 |
| Leasing costs (Sharp proposal): | | |
| Lease payments | 63,860,000 | 21,416,000 |
| Purchase of lease property and profit on subsequent sale | -4,691,000 | -517,000 |
| Travel costs to Morgan Station | 14,360,000 | 4,337,000 |
| Estimated leasing costs | 73,529,000 | 25,236,000 |
| Difference in favor of Government ownership | $68,438,000 | $ 2,149,000 |

The comparison does not include certain other costs which would be the same under both alternatives and therefore would not affect the result. Such costs include acquisition and maintenance of equipment, fuel stations, and facilities for washing vehicles.

In converting future costs to present value, we used a discount rate of 7 percent which represented the annual interest rate of 6-7/8 percent payable on the 25-year Postal Service bonds issued in January 1972 plus the fee paid underwriters for issuing the bonds.

An explanation of the items included in our comparative cost analysis follows.

## GOVERNMENT OWNERSHIP COSTS

### Land

The Postal Service estimated the current market value of the Government-owned Morgan Annex site (29th Street property) at $60 a square foot, or a total of $9.6 million. Postal Service officials informed us that their estimate of current market value was based on estimates of property values in the area of the Morgan Annex provided by Corps of Engineers real estate officials and a commercial building contractor in New York City. The Corps of Engineers is responsible for the Postal Service facilities construction program.

### Air rights

The Postal Service estimated that the air rights above VMF could be sold for $4 million. Housing units could be constructed on top of VMF. The Postal Service explained that this sales price was a "very preliminary estimate" that represented the costs of designing and constructing the foundation and superstructure of VMF so that it would support housing units.

### Building

The Postal Service estimated that the construction cost of the VMF portion of the 24-story building would be $20,787,000. The estimate was based on a rate of $30 a square foot for 620,000 square feet plus architect-engineer fees and fees to the Corps of Engineers.

The Postal Service stated that the construction cost estimate was only approximate and was not the result of an engineering survey. Postal Service officials said that the estimate was based on an analysis of recent construction costs of other postal facilities in the New York City area and the combined judgment of various knowledgeable Postal officials. The Corps of Engineers is developing a construction cost estimate for use in soliciting and evaluating construction contract proposals.

Residual value of land and buildings

The Postal Service estimate of residual value consists of $3,078,000 for the land and $18,218,000 for the building, or a total of $21,296,000. In computing the residual value of the land, the Postal Service assumed that, after sale of air rights, its share would be 10 percent of the land which had a market value of $9.6 million. Therefore the Postal Service assumed the market value of this portion to be $960,000. This amount was increased for inflation and real-value appreciation at the rate of 6 percent a year for 20 years for a total value of $3,078,000.

Postal Service officials advised us that the 6-percent rate was developed with assistance from the Office of Management and Budget and commercial real estate firms. The officials did not specify separate rates for inflation and appreciation, but we assumed that, on the basis of the 4-percent inflation rate used in the Postal Service estimates, the 6-percent rate included 4 percent for inflation and 2 percent for appreciation in land value. We eliminated the 4-percent inflation rate so that the dollar cost in our analysis was stated in terms of the current purchasing power of the dollar. We included the 2-percent appreciation in land value because it represents the effect of the scarcity of land and, therefore, it shows the real-value increase.

In our analysis we did not adjust the Postal Service estimates relating to the value of the Morgan Annex land. Increasing the value of the air rights or the residual value of the land would not alter our conclusion that it would be more

desirable to own than to lease VMF because such an increase would make the difference in favor of ownership greater.

In computing the residual value of the building, the Postal Service assumed that the total cost of the building ($20,787,000) would be depreciated 60 percent or would have a residual value of $8,315,000 at the end of 20 years. This amount was inflated by 4 percent a year for the same period, a total of $9,903,000. Thus the estimated residual value of the building at the end of 20 years would total $18,218,000.

In our computation we eliminated the inflation factor from the building cost estimate. Although we do not agree with the Postal Service's assumption that the building will be depreciated 60 percent at the end of 20 years, any adjustment that we might make in our computation would not alter our conclusion.

## ESTIMATED COST OF LEASING

### Lease payments

Annual lease payments of $3,193,000, which would total $63.9 million for the 20-year lease period, were based on the Sharp Development Corporation proposal of $5.15 a square foot for a requirement of 620,000 square feet for the postal facility.

For consistency with our treatment of an annual inflation rate of 4 percent under the Government ownership alternative, we eliminated the annual inflation rate of 4 percent for lease payments, or a total of about $10 million. We also converted future costs to their present value by using a 7-percent discount rate which was also used to convert Government costs to present value. The effect of discounting was to reduce total lease costs by about $32 million.

### Purchase of lease property and profit on sale

The Postal Service assumed that, in accordance with common leasing practice, it would have an option to purchase the

leased property at the end of 20 years for 110 percent of the original cost. Under these circumstances, the Postal Service estimated that it could acquire the property--both land and building having a market value of about $29.8 million--for about $25.1 million. The Postal Service considered the difference of $4.7 million to be a gain and correspondingly reduced the cost of the lease alternative.

The Postal Service estimate of market value of the leased property was based on the same rate used in estimating the value of the property under the Government ownership alternative--$60 a square foot for land and $30 a square foot for the building. Similarly the residual value of the leased building was based on the same assumption used under Government ownership--the building would be depreciated 60 percent at the end of 20 years.

Travel cost to Morgan Station

The location of the proposed lease site is about 2 city blocks from the alternative Government-owned Morgan Annex site. Because most of the Postal Service vehicles which would be parked at the lease site would operate out of or travel past the Morgan Postal Station (adjacent to the alternate Morgan Annex site), the Postal Service added to the cost of the lease alternative an estimate of the additional vehicle operating costs for travel between the two proposed VMF sites.

State and local real estate taxes

Property owned by the Federal Government is not subject to State and local real estate taxes. In making cost comparisons, to determine whether the Government should buy or lease property--lessors usually have to pay State and local real estate taxes--we believe that it is appropriate to recognize as a cost of Government ownership real estate taxes which are foregone by States and localities when the Government buys privately owned property.

In the instant case, however, we did not add State and local taxes to the Government ownership costs because the

lease proposal from Sharp submitted to the Postal Service in April 1970 stated that annual lease payments did not include an allowance for taxes and that the taxes would be the responsibility of the tenant (Postal Service). Since the costs of leasing did not include taxes, it would not be necessary to add taxes to the Government ownership alternative costs to make the two analyses comparable.

In a letter dated December 21, 1971, the firm that is handling the Sharp proposal stated that the Postal Service could consider for its guidance that the lease rate included a provision for the payment of taxes. The firm, however, qualified this statement as follows:

"1. The question of taxes vis-a-vis the $5.15 rate is somewhat academic and can only be considered in terms of the total development costs that existed at the time of the proposal and which was almost one year ago.

"2. The subject of taxes is not an altogether clear one when land is being developed for use by an essentially tax exempt lessee;***."

We discussed the matter of taxes with Postal Service officials who stated that postal leases have separate provisions for taxes which are not included as part of the rental because of the uncertainties of future tax rates. These officials were also of the opinion that, if the Postal Service were negotiating for leasing, the lease rate would be increased because they believed that the proposed lease rate did not include a factor for taxes.

- - - -

We have not requested the Postal Service or the real estate firm to review or comment formally on the information in this report. We plan to make no further distribution of this report unless copies are specifically requested, and then we shall make distribution only after your agreement has been

obtained or public announcement has been made by you concerning the contents of this report.

We trust this information will be helpful.

Sincerely yours,

E. H. Morse, Jr.

For the Comptroller General
of the United States

The Honorable Bella S. Abzug
House of Representatives

JACOB K. JAVITS
NEW YORK

COMMITTEES:
LABOR AND PUBLIC WELFARE
FOREIGN RELATIONS
GOVERNMENT OPERATIONS
JOINT ECONOMIC
SMALL BUSINESS
EQUAL EDUCATIONAL OPPORTUNITY

# United States Senate

WASHINGTON, D.C. 20510

June 22, 1972

Dear Mr. Postmaster General:

As you may know, I recently received the General Accounting Office's analysis of the New York City vehicle maintenance facility. I have enclosed a copy of that analysis for your review.

The GAO study does us a great service by precisely defining the annual rate that makes leasing an economically attractive alternative to building a facility on the Morgan Annex site. By clearly indicating the assumptions used in carrying out its analysis, the GAO gives all parties interested in the facility location discussion an intelligent basis on which to evaluate alternatives.

You will note that, because of differences in the specifications of the facility used by the Postal Service in estimating construction costs and those provided to the Sharp group, the GAO study does not explicitly deal with the economics of the Sharp offer. Therefore, the possibility still exists that the Sharp group can provide a lower cost facility.

I am sending a copy of the GAO analysis, and this letter, to the Sharp group. It seems to me that two steps remain for the Postal Service to discharge its responsibility to the taxpayers and the public for ensuring that construction costs are kept at the lowest level consistent with efficient operations.

1. Agreement that your Board of Directors will withhold final consideration of the two building alternatives until a reasonable period of time has been allowed for the Sharp group to analyze and comment on the GAO analysis;

2. Agreement that the Directors making the facility decision are provided with the GAO study and the Sharp response to it prior to making their decision.

Resolution of the economic questions would leave only the responses of City agencies as an issue in the Morgan Annex decision. I certainly understand that indecision among New York City agencies cannot be allowed to postpone the Postal Service's decision indefinitely. If we can agree to a date for your Board to finally consider the facility decision, I would be happy to write the City agencies and inform them that I feel their views must be received by that date if they are to be considered.

Very sincerely yours,

Jacob K. Javits

Honorable Elmer Klassen
Postmaster General
Washington, D.C.

ENCLOSURE

# GENERAL ACCOUNTING OFFICE COMPUTATION OF A BREAK-EVEN LEASE RATE FOR THE POSTAL VMF IN NEW YORK CITY

## VMF BUILDING REQUIREMENTS

### Postal Service

By letter dated December 28, 1971, the New York District Corps of Engineers, acting as construction agent for the Postal Service, requested the firm of Ames Associates, Architects and Engineers, McFarland-Johnson-Gibbons Engineers, Inc., to determine the feasibility and cost of constructing a VMF on the existing Postal Service-owned site located between 28th and 29th Streets and 9th and 10th Avenues. The firm was also to design a VMF having two stories below ground and two stories above ground and comprising about 652,000 gross square feet, including about 445,850 square feet of usable space. The foundation was to be designed to support a 20-story, high-rise structure to be built on top of the VMF, containing up to 1,000 low-cost housing units. The estimated cost of constructing the VMF was to include the costs for the foundation, structure, and utilities, with and without the housing units, to establish the added cost to the Postal Service of providing for such units.

The Ames Associates' study was submitted to the Corps of Engineers on March 1, 1972, and stated that:

> "The Vehicle Maintenance Facility is to include approximately 445,850 square feet of usable space and is to consist of essentially two stories above grade and two stories below grade. *** Parking is to be provided for 680 trucks, 175 tractors, 25 trailers, and 30 employee cars. Maintenance is to include 64 service and repair bays, 2 wash racks, steamrack, paint and body shop. Support areas will provide for storage, repair, training and custodial rooms. Administrative spaces will include offices, toilets, swing, locker and lunch rooms."

Ames Associates estimated that it would cost $32.7 million to construct the VMF without providing for the housing units and $34.6 million with provision for the housing units.

### Sharp Development Corporation

By letter dated April 12, 1972, representatives of the Sharp Development Corporation stated:

"That we are unequivocably prepared to lease a building on the Sharp site that meets the specifications given to us repeatedly by the U.S. Postal Service since 1969 which specifications call for approximately 760,000 square feet of rentable space; and that we will rent that space at $3.80 per square foot.

"That we are able to offer this rental due to the application of certain techniques by the City of New York, and that this application has been committed by the City directly to the Postal Service officials concerned at a meeting which took place on March 6, 1972.

"That we are furnishing the information to enable the General Accounting Office to understand the complex and continuing chain of events that led to the requirements set for us by the Postal Service for a building that will house 1,500 vehicles, that those vehicles will require approximately 760,000 square feet, and that this establishes a close and fixed relationship between number of vehicles, space required for that particular mix of vehicles, and the footage rates quoted."

The buildings proposed by the Postal Service and the Sharp Development Corporation are substantially different in size, configuration, and vehicle accommodations, and therefore, in our view, a comparative economic analysis of lease or construct alternatives for these buildings is not feasible.

Representatives of the Sharp Development Corporation told us that they had not seen nor been given the opportunity to make a proposal on the basis of the Postal Service's latest requirements for the VMF.

DETERMINATION OF AN ADVANTAGEOUS LEASE RATE

In our analysis to determine an advantageous lease rate, we considered two alternatives: (1) constructing a VMF on the Postal Service-owned site in accordance with the requirements specified in the Ames Associates study and (2) leasing a VMF to be constructed by the Sharp Development Corporation, also in accordance with the requirements specified in the Ames Associates study, on a site two blocks from the Postal Service-owned site.

We discounted future costs to state them in terms of their present value. To do this we used a discount rate of 7 percent,

which represented the annual interest rate of 6-7/8 percent payable on the 25-year Postal Service bonds issued in January 1972 plus the fee paid to underwriters for issuing the bonds. We considered inflation in our computations because the rate charged by a prospective lessor would include a factor for this.

An explanation of the items considered in our analysis and a schedule showing our computation follows.

Land

The Postal Service estimated the current market value of the Government-owned site at $9.6 million. According to Postal Service records, the site was acquired in 1968 at a cost of $5 million. Postal Service officials informed us that their estimate of current market value was based on estimates of property values in the area of the Morgan Postal Station provided by Corps of Engineers real estate officials and a commercial building contractor in New York City.

Building

Ames Associates estimated that the construction cost of the VMF alone would be $32.7 million and that the cost would rise to $34.6 million if the foundation was reinforced to permit housing units to be constructed atop the VMF.

In our analysis we used the construction cost of $32.7 million because any incremental costs incurred as a result of providing for the housing units would be borne by the owner of such units.

To this cost we added the Postal Service's estimates for architect-engineer fees and for contingencies, which brought the total estimated cost of the VMF to $35 million.

Residual value of land and building

Our estimated residual value consists of $30,787,000 for land and $39,486,000 for the building. In computing the residual value for land, we used the market value of $9.6 million for the land and increased it for inflation and real value appreciation, resulting from the effect of the scarcity of land, at the rate of 6 percent a year for 20 years. Postal Service officials advised us that the 6-percent rate was estimated, with the assistance of the Office of Management and Budget and commercial real estate firms.

In computing the residual value of the building, we used the Postal Service's estimate of $39,486,000, which was arrived at by applying a residual value factor to the total cost of

the building ($35 million). The residual value factor combines a projected industrial-building cost index growth of 3.5 percent compounded annually and a declining economic value--deterioration and obsolescence--for the building. The building-cost index was based on the national index of a leading engineering and construction company, and the economic evaluation factor was based on the Postal Service's experience with postal facilities.

State and local real estate taxes

Property owned by the Federal Government is not subject to State and local real estate taxes but lessors usually pay such taxes. In making cost comparisons to determine whether the Government should construct or lease property, we believe that it is appropriate to recognize as a cost of Government ownership the State and local real estate taxes which are forgone by States and localities when the Government acquires land and constructs buildings.

We did not add State and local real estate taxes to the Government ownership costs in this case, however, because the lease proposal submitted by the Sharp Development Corporation to the Postal Service on February 25, 1972, stated that:

"a) The City of New York has generally agreed to abate taxes on the Sharp site during the lease period were the site to be used by the Postal Service."

Other costs

The location of the proposed site for the leased building is about two blocks from the Postal Service-owned site. Because most of the Postal Service vehicles which would be parked at the leased building would operate out of, or travel past, the Morgan Postal Station, we added the Postal Service's estimate of the additional vehicle-operating costs for travel between the two proposed VMF sites to the cost of the lease alternative. The Postal Service estimated this cost at $203,000 annually.

According to the Postal Service, if the VMF was located on the lease site, 10 more security guards would be required for a three-tour operation, 7 days a week. Postal Service estimated that the cost of the additional security guards would be $72,900 annually.

Our review of the data supporting Postal Service's estimates of travel costs to Morgan Postal Station and the cost of additional security guards indicates that the estimates were reasonable.

ENCLOSURE

NEW YORK CITY VMF COMPUTATION OF

BREAK-EVEN LEASE RATES FOR 20-YEAR PERIOD

| | Estimated costs | |
|---|---|---|
| | Undis-counted | Present value |
| Construction costs: | | |
| Morgan Postal Station site: | | |
| Land | $ 9,600,000 | $ 9,600,000 |
| Building | 35,000,000 | 31,641,000 |
| Residual value of land and building | -70,273,000 | -15,861,000 |
| Estimated Government ownership costs | | $ 25,380,000 |
| Leasing costs: | | |
| Sharp site: | | |
| Break-even lease payments | 45,940,000 | $21,252,000 |
| Travel costs to Morgan Postal Station | 7,468,000 | 3,036,000 |
| Additional security guards | 2,686,000 | 1,092,000 |
| Estimated leasing costs | | $25,380,000 |
| Break-even lease cost: | | |
| Annually (20 years) | $2,297,000 | |
| Per sq. ft. annually (20 years) | $3.52 | |

SENIOR ASSISTANT POSTMASTER GENERAL
MAIL PROCESSING GROUP
Washington, DC 20260

RECEIVED
JUL 20 1972

July 19, 1972

Dear Senator Javits:

This is in further response to your letter of June 22, 1972, relating to the Postal Service's plan to construct a vehicle parking and maintenance facility on the site across 29th Street from the Morgan Postal Annex in Manhattan.

Your letter suggests that the Postal Service agree not to make final its determination to develop the Morgan Annex site "until a reasonable period of time has been allowed for the Sharp group to analyze and comment on the GAO analysis," a copy of which you kindly forwarded with your letter. You state that if a date can be agreed upon for the Postal Service to finally consider the facility decision, you will inform New York City agencies that you feel their views must be received by that date if they are to be considered.

Your assistance in establishing such a date would be appreciated by the Postal Service. We think a cutoff date of August 15, 1972, would provide a more-than-sufficient period of time for the Sharp Corporation to respond to the GAO report. Your letter indicates that the Sharp people have had the GAO study at least since June 24, 1972. A cutoff date of August 15 would give them nearly eight weeks to prepare any response they may care to make.

I hasten to add that the Postal Service assumes no responsibility to the Sharp Development Corporation or any other person or firm that chooses to incur expense or to suspend other investments or utilizations of its resources for the purpose of securing a lease or contract with the Postal Service. And even though we might agree not to act before August 15, 1972, in such a way as to make our decision to build on the Morgan Annex site irreversible, we are extremely doubtful that anything constructive will come out of such a delay.

In view of the Morgan Annex site's greater convenience and time-and-labor-saving advantages resulting from its location directly across the street from our principal mail processing plant in Manhattan, the Sharp corporation would have to better substantially the $3.52 per square foot break-even rental rate computed by the General Accounting Office. Moreover, the validity of the $3.52 rate as a break-even rate depends upon the validity of the assumption that the Postal Service would receive the current market value, $9.6 million, for the Morgan Annex site. The $3.52 break-even rate is subject to downward adjustment to the extent the Postal Service might expect to receive less than $9.6 million for the Morgan Annex site. We ascertained nearly a year ago that low-cost housing cannot be built on the Morgan Annex site if the housing must bear a land cost anywhere near $9.6 million. It is only because the Postal Service is in a position to make the air rights over our planned VMF available in exchange for the use of 29th Street between 9th and 10th Avenues, that a low-cost housing project in the area is possible. The presently outstanding Sharp offer is $3.80 per square foot for a larger facility than is needed. We naturally are doubtful that the Sharp Corporation can offer a proposal which is more economical than our planned utilization of the Morgan Annex site.

We have advised the affected New York City agencies many months ago of our plans for the development of the Morgan Annex site. We have since kept them informed as the results of our studies and the details of our plans have emerged. We have participated in many meetings and discussions with them during the past several months. We believe that, by now, they should have well-defined and documented views which certainly can be submitted by August 15 1972.

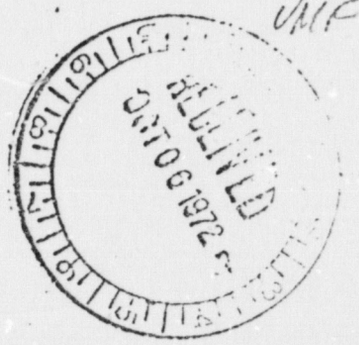
We will look forward to receiving your further advice in this matter at an early date. It is only with great reluctance that we will proceed with the Morgan Annex VMF project without the full concurrence and accord of yourself and all affected New York City agencies. However, work on this badly needed facility must begin without further substantial delay.

Respectfully,

W. F. Vaught

Honorable Jacob K. Javits
United States Senate
Washington, D. C. 20510

Y. P. Cen MANHATTAN VMF



OCT 3 1972

Stephen Kirschenbaum, Esquire
Kirschenbaum and Shapiro
347 Madison Avenue
New York, New York 10017

Dear Mr. Kirschenbaum:

Postmaster General E. T. Klassen has asked me to respond to your letter of August 10, 1972 on behalf of the Sharp Project. This also is in reply to your letter of August 31, 1972 to Mr. Robert Coven on the same subject.

In your August 10 letter, and enclosures, you offered on behalf of the Sharp group to construct a vehicle parking and maintenance facility of specified design on the block bounded by 29th and 30th Streets and 11th and 12th Avenues (the Sharp site), and lease it to the Postal Service for 20 years. You offered rental rates of either $3.40 or $3.16 per gross square foot of space depending on whether the City of New York would extend only partial, or full, economic benefits to the project. Assuming the availability from New York City of full benefits and also the City's agreement to give ownership of the land and building to the Postal Service, you stated that the "effective" rental rate would be $1.34 per square foot.

After thorough consideration, we have concluded that it would not be advantageous to the Postal Service nor in the public interest to accept the Sharp proposals or to postpone any longer our planned development of our existing site across 29th Street from the Morgan Postal Annex (the Morgan site).

The building offered by the Sharp Project does not meet the Postal Service's requirements. An enclosed, air conditioned building is requisite to meet acceptable clean air standards. The $16 million building proposed by the Sharp organization is open on all sides and

N

has an open roof deck to be used for vehicle parking. The $35 million Morgan Project building is completely enclosed and contains an air circulation and filtration system to filter pollutants and objectionable fumes from the air before its discharge to the outside.

It is obvious that it would be more economical for the Postal Service to construct the Morgan Project than to lease a Sharp Project building comparable to the Morgan Project building, even assuming the full availability of tax and land benefits to the Sharp Project from New York City. From the project cost standpoint, the distinguishing feature between the two projects is building cost. The Morgan Project building cost is approximately $54 per square foot; the Sharp Project building cost is about $25 per square foot. The Sharp Project's offered $3.16 per square foot per annum rental rate bears a ratio to the Project's $25 per square foot building cost of .1264. If this ratio is applied to a building costing $54 per square foot, the resulting rental rate is $6.83 per square foot per annum, considerably in excess of the $3.52 rate below which the General Accounting Office found it would be more economical for the Postal Service to lease than to construct the Morgan Project. Conversely, if the Sharp ratio of rent to building cost is applied so as to achieve the $3.52 breakeven rental rate, it is apparent that a building cost of $28 per square foot could not be exceeded. An acceptable building plainly cannot be built in this cost range. Accordingly, it is apparent that the Sharp Project cannot offer an economically favorable lease rate for an acceptable building, even assuming the full availability of tax and land benefits from New York City.

Furthermore, the prospects appear so remote that New York City will grant the tax and land benefits which you indicate are necessary to enable your clients to offer the rates quoted in your August 10 letter, that further delay cannot be justified. To make possible the $3.16 rate which you quote, the City would have to assemble the separately-owned parcels comprising the Sharp site, make the site available for the Sharp Project on generous terms, and abate taxes on the Sharp Project for 20 years. To make possible the $1.34 "effective" rate which you quote, the City, in addition to providing the above benefits, would have to give the Sharp site to the Postal Service. Of course, donation of the Sharp site to the Postal Service would remove the property from the tax rolls altogether. It is recognized that your quoted rates are based on the assumption that, in agreeing to the Sharp Project, the Postal Service would agree to give up its Morgan site for use by the City. However, since under the Postal Service plan for development of the Morgan site the City already has the use of the Morgan site (i.e., the air rights) for housing purposes, free of land cost, and since satisfactory conditions regarding the

use of 29th Street appear well within reach, it does not appear that the City would gain anything of sufficient significance from the exchange of sites to warrant a grant of the substantial benefits which the Sharp Project requires.

Accordingly, we find no basis in the new Sharp proposals submitted with your letters of August 10 and 31, to delay any longer our final determination to proceed with the development of the Morgan site.

Respectfully,

H. F. Faught
Senior Assistant Postmaster General
Mail Processing Group

DECISION ANALYSIS REPORT
MANHATTAN VMF
NEW YORK, NY

UNITED STATES POSTAL SERVICE
Washington, DC 20260

YR REF: MEEPA:RFMurken:lwr DATE: JUN 16 1972

SUBJECT: Manhattan VMF - Decision Analysis Report

TO:

Executive Secretary
Capital Investment Committee

Serious capacity , and environmental deficiencies have been identified in the vehicle maintenance facilities that support Manhattan Island. The enclosed decision analysis report defines these deficiencies and addresses three alternative solutions to the deficiency problems. The report also includes an economic analysis of the three alternatives.

The findings of the report indicate that the best course of action would be for the U. S. Postal Service to construct a vehicle maintenance facility on a site adjacent to Morgan Station. This site, a whole city block, is currently owned by USPS. The incremental investment in this project will yield a rate of return of approximately 8.7%. The incremental figure on which this figure is based is $35 million. The budgetary requirement for this project is $37 million.

Continuation of the present method of providing VMF support using scattered leases is considered operationally unacceptable. The two acceptable alternatives are to have such a facility provided by a lessor or to own an equivalent facility. The above mentioned 8.7% rate of return is the advantage of owning rather than leasing the VMF.

The Congress of the United States has recently enacted

appropriate legislation to permit the U. S. Postal Service to proceed with construction of a VMF facility on its site. It is therefore recommended that $37 million be budgeted for this project.

for R. E. Isaacs
Assistant Postmaster General
Logistics and Engineering Department
Mail Processing

Attachments

# UNITED STATES POSTAL SERVICE

# PRELIMINARY DECISION ANALYSIS REPORT

# ON

# PROPOSED VEHICLE MAINTENANCE

# FACILITY FOR MANHATTAN, NY

June 14, 1972

Prepared by:
R. F. Murken
Requirements Analysis Branch
Process Engineering Division
Mail Processing Group

DECISION ANALYSIS REPORT
FOR
A PROPOSED VEHICLE MAINTENANCE FACILITY
NEW YORK, NY

This report establishes the capacity and environmental deficiencies of the present Manhattan Vehicle Maintenance Facilities (VMF).

Having established the deficiencies, the analysis goes on to determine the most economically and operationally attractive means of correcting those deficiencies.

CONCLUSION:

A serious capacity problem currently exists. It will become more severe with the passage of time. In addition, serious environmental deficiencies have been identified. Present scattered leases and outdoor parking are responsible for numerous operational problems.

It is recommended that the USPS construct a VMF on the USPS owned site adjacent to Morgan Station. It is estimated that design, construction, equipment and all fees will come to $37 million. A rate of return of 8.7% will be obtained.

ALTERNATIVES ANALYSED

Three alternatives were considered to satisfy the deficiency problems.

A. Present Method (i.e. Make Do)
B. Lease VMF
C. USPS Construct VMF

Alternative A, "Present Method", will require extensive replacement of and additions to leases in order to meet USPS standards, and it would still be operationally unsatisfactory because of the "scatteration." Parking and maintenance are presently provided in/on 321, 513 net usable square feet in four locations as identified in the Appendix, Table I "Space Requirements....." It is also assumed that environmental deficiencies would be corrected at USPS expense.

Alternative B - "Lease VMF" will provide a facility equivalent in size and configuration to Alternative "C" below. It would be provided by a lessor on his site two blocks away from Morgan Station, (a city block bounded by 29th and 30th Streets and 11th and 12th Avenues).

Alternative C - "USPS Construc VMF" requires the USPS to construct a 652,000 gross sq. ft. VMF on the site across 29th Street from Morgan Station. It is assumed that 29th Street would be closed and would be used for truck maneuvering area. Residential apartments would be constructed above the VMF on a non-interference basis and at no cost impact to the USPS.

SUMMARY AND RATIONALE

Capacity Deficiencies:

Present VMF facilities have inadequate space to support vehicle operation now or in the future. A detailed evaluation of both the capacity and environmental deficiencies will be found in the appendix to this report. The capacity deficiency currently amounts to over 104,000 sq. ft. of space for parking and maintenance. The city police have issued a stern reprimand to the USPS and insisted that we cease parking some 150 to 300 trucks on the city streets.

Environmental Deficiencies:

Environmental problems have also been identified and are evaluated in detail in the Appendix. Environmental deficiencies are not strategic to the decision, however, because correction of these deficiencies would still leave us with a serious capacity deficiency.

Operational Factors:

Vehicle operations are significantly less efficient under present circumstances than they will be when the proposed VMF is operational.

1. Vehicle dispatch from the scattered present facilities requires extra effort at coordination and control, (which is not always successful).
2. Some maintenance must be performed at curbside due to inadequate space and scheduling difficulties.

3. Many vehicles must be shuttled to and from the other facilities to 34th street for maintenance and repair.
4. Significant time is lost searching for vehicles parked on the streets.
5. Vehicles suffer needless theft, vandalism, and hit-run damage due to city street parking.
6. It is difficult to hire and hold good mechanics due to poor work conditions.
7. Lack of space prevents performance of the following operations and the commensurate savings of $165,400/yr.
   a. Trailer washing
   b. Diesel fueling
   c. Drive shuttle for fueling
   d. Glass work
   e. Tire resectioning and recapping

A very significant benefit will be realized if the proposed VMF is constructed across 29th Street from Morgan Station. The VMF will bridge across 29th Street and the street will be closed to through traffic. This will provide 44,400 sq. ft. of truck maneuvering area adjacent to the mail platforms. This comes at no expense to the USPS and is unavailable with any other alternative.

Trucks presently wait their turn at the platform by parking and double parking on 9th and 10th Avenues. With the VMF, they can wait inside the VMF and go to the platform when called with less delay and traffic interference.

In addition, future needs for more platform space could be satisfied by building a platform on the second floor of the VMF where it bridges across 29th Street.

Implementation of Alternative C, "USPS Construct VMF" could proceed at least one year sooner than Alternative B, "Lease VMF", because the site is already owned by the USPS and clear. Alternative B will require a year or more for condemnation and demolition. Actual cost reductions (from present operations) combined with potential savings are estimated to exceed $640,000 a year. This savings would be available one year sooner with Alternative C.

Economic Factors and Evaluation:

Economic evaluation was made of three possible solutions to the capacity, environmental, and operational problems. Alternative B and C were

compared using the Discounted Cash Flow method. Alternatives A and B are compared by simple logic.

Alternative B, "Lease VMF" requires a small investment of $2 million (Corps of Engineers Fee). Alternative C, "USPS Construct VMF" requires an investment of $37 million. The $35 million incremental investment yields a rate of return of 8.7% due largely to the avoidance of lease costs of $65,200,000. Total (undiscounted) benefits will be $100,368,000 for the 20 year period.

Inasmuch as the proposed lessor, Sharp Organization, Inc., has never submitted a proposed lease rate for this particular facility, a sampling of three possible lease rates were assumed. The most likely rate of $5.00 per square foot per year results in the DCF/ROR of 8.7% mentioned above. The DCF/ROR of other rates are displayed in the Appendix, Table II.

In regard to Alternative A, "Present Method, (Make-Do), it was reasoned that if a single leased facility in close proximity proved to be uneconomic, then the scattered and more distant leases for Alternative A would surely be even more uneconomic. Hence, no formal economic analysis was developed.

It should be noted that in order to make Alternative A comparable in capacity and environmental characteristics, extensive lease replacements/additions and higher rates would be required. The "scatteration" problem would, of course, be even more severe. For these reasons, Alternative A is not recommended.

APPENDIX

TO

PRELIMINARY DECISION ANALYSIS REPORT

ON

PROPOSED VEHICLE MAINTENANCE FACILITY

FOR

MANHATTAN, NEW YORK

June 14, 1972

## CAPACITY DEFICIENCY

The capacity deficiency problem was identified and established at a meeting on January 21, 1971, by Messrs. Lehne, Biglin, Short, Larsen, Carroll, and Strachan. Numerous changes of leased facilities have occurred since that date. The current capacity deficiency of 104,487 sq. ft. is detailed in Table I "Space Requirements, ....."

It should be noted that space planning is based on the 20 year projection instead of the normal 10 year basis. This is because future expansion is impractical on the proposed site.

Space calculations include space for maintenance of tractors for the BMC at Secaucus, NJ as well as a portion of the NYC vehicles. (See Form 4609, January 12, 1971, Alternate #1).

The space deficiency is minor for maintenance and administrative functions, but is serious for the parking function. The deficiency for parking is nearly 100,000 sq. ft. which is the space needed to park about 240 vehicles. Of the existing parking space, 107,000 sq.ft. is outdoor parking and 117,000 is indoor.

Operational deficiencies have also been identified. A new VMF, whether leased or owned will correct these shortcomings.

1. No trailer washing capability.
2. No diesel fueling capability.
3. No tire recapping and resectioning.

It is recognized that the above mentioned capabilities could also be obtained under the "Make-Do" alternative by an additional leased or owned facility. However, the costs and benefits of these capabilities have not been included in the DCF analysis inasmuch as they are independent decisions. (Space for these operations has been allowed in the proposed building).

## ENVIRONMENTAL DEFICIENCIES

The general appearance of the garage and maintenance areas is very poor. They are dirty and unsafe. Toilets for both male and female employees are dirty, inadequate, and poorly ventilated. Heating and air movement is inadequate. Lunch rooms and locker rooms are well below standards.

# TABLE I

## SPACE REQUIREMENTS, MANHATTAN VMF

| FUNCTION | FACILITY | 1972 SPACE ACTUAL | 1972 SPACE REQ'D | 1994 REQUIREMENT |
|---|---|---|---|---|
| Maintenance & Support | 34th St. | 76,750 | | |
| | Leroy St. (REA) | 7,186 | | |
| | TOTAL | 83,936 | 87,000 | 90,000 |
| Parking & Queing | 34th St. | 75,000 | | |
| | Leroy St. | 42,732 | | |
| | Pier 74 | 46,845 | | |
| | Pier 76 | 60,000 | | |
| | TOTAL | 224,577 | 324,000 | 343,000 |
| Operations & Administration | 34th St. | 12,000 | | |
| | Leroy St. | 600 | | " |
| | Pier 74 & 76 | 400 | | |
| | TOTAL | 13,000 | 15,000 | 20,000 |
| GRAND TOTAL | | 321,513 | 426,000 | 453,000 |

NOTE: All figures are net usable square feet. Gross size is frequently much greater. Space requirements developed by N. Y. Region Vehicle Services Branch 6-9-72

No official environmental evaluation has been made of these facilities. However, the above statements have been made and concurred in by management of both regional offices and USPS headquarters. The cost of correcting these deficiencies has not been estimated but would surely be considerable.

ECONOMIC ANALYSIS

Three economic alternatives are considered for solving the capacity and environmental deficiencies of the Manhattan VMF.

A. Present Method (Make-Do)
B. Lease VMF
C. USPS Construct VMF

Alternative A was not analysed by the DCF/ROR method. It was reasoned that its cost would be greater than Alternative B, and B was already rejected in favor of C.

An engineering study was prepared for Alternative C by the Corps of Engineers, and a cost estimate was included.

It should be noted that the VMF requirements used in this analysis are subject to change due to at least two factors.

(a) Prior to design of the facility, thorough analysis of requirements will be undertaken.
(b) Transportation and logistics studies are underway. It is their goal to reduce the vehicle requirements if possible.

Because no firm lease rate has been quoted, the DCF/ROR has been calculated for three possible lease rates. Moderate cost and price increases are reflected in projections, and a sensitivity analysis was made wherein constant dollars were assumed. The results of these six calculations are presented in Table II "Rates of Return on Alternative B versus C."

A typical cash flow chart is presented as Table III, ""Cash Flow Comparison." The most likely lease rate is used in that table.

ASSUMPTIONS

1. All alternatives will provide indoor parking for the vehicle fleet. Parking is provided for 910 of the 1273 assigned vehicles.

2. All alternatives provide equivalent maintenance capability and other support and administrative areas.

3. Total space is assumed to be 652,000 gross and 445,850* net sq. ft.

4. Cost of maintenance and service equipment has not been included in Alternatives B and C.

5. Architect-Engineers fee of 4% is added to construction cost estimate of $32,691,000.

6. The Corps of Engineers fee of 5-1/2% is required for either alternative.

7. A purchase option at 110% of original cost, exercisable at the end of 20 years is assumed. However, the price is so close to the market value (assuming 3.5% inflation) that it does not affect the calculations and has been ignored.

8. It is noted that cost of rock excavation, $2,300,000 on the USPS site would be offset by the cost of pilings on the Sharp site.

9. The value of the USPS owned site is currently estimated at $9.6 million. It was acquired for $5 million in 1968.

10. A 20-year project life is dictated by the assumption of a 20 year lease period for Alternative B.

* A very recent analysis from Vehicle Service, New York Regional Office puts this figure slightly higher.

TABLE II

RATES OF RETURN ON ALTERNATIVES B VERSUS C
($ In Thousands)

| LEASE RATE | 20 YEAR LEASE COST* | TOTAL INVEST. | RESIDUAL VALUE | DCF/ROR If "C" is accepted. | 20 YEAR NET GAIN |
|---|---|---|---|---|---|
| $4.50/ft. | 68,175 | 44,600 | 70,273 | 8.1% | 93,848 |
| $5.00/ft. | 74,695 | 44,600 | 70,273 | 8.7% | 100,368 |
| $5.50/ft. | 81,215 | 44,600 | 70,273 | 9.2% | 106,888 |
| SAME AS ABOVE BUT WITH CONSTANT DOLLARS | | | | | |
| $4.50/ft. | 64,500 | 44,600 | 29,955 | 5.9% | 49,855 |
| $5.00/ft. | 71,020 | 44,600 | 29,955 | 6.6% | 56,375 |
| $5.50/ft. | 77,540 | 44,600 | 29,955 | 7.3% | 62,895 |

*Includes other costs related to the lease alternative

## TABLE III

### CASH FLOW COMPARISON -- MANHATTAN VMF
($ In Thousands)

| | COST ELEMENT | GFY 1972 | 1973 | 1974 | MOVE-IN 1975 | 1976 | 1977 | 1978 | 1979 | 1980 | 1981 | 19 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Remote Location Costs | | | | 291 | → | | | | 389 | | |
| ALT. B (LEASE) | Annual Lease Cost (Typical rate @ $5.00/ft.) | | | | 3,260 | → | | | | | | |
| | Corp of Engr Fee, 5 1/2% | | 950 | 950 | | | | | | | | |
| | TOTAL | | 950 | 950 | 3,551 | → | | | | 3,649 | | |
| | Land | 9,600 | | | | | | | | | | |
| ALT. C (CONSTR) | Building | | 17,500 | 17,500 | | | | | | | | |
| | Corp of Engr Fee, 5 1/2% | | 950 | 950 | | | | | | | | |
| | TOTAL | 9,600 | 18,450 | 18,450 | 0 | | | | | | | |
| | Net Cash Flow (if B is rejected and C is accept.) | (9,600) | (17,500) | (17,500) | 3,551 | → | | | | 3,649 | | |

The DCF/ROR for this Cash Flow Comparison is 8.7%

| 1 1982 | 1983 | 1984 | 1985 | 1986 | 1987 | 1988 | 1989 | 1990 | 1991 | 1992 | 1993 | 1994 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| → | | | 621 | → | | | | 698 | → | | | | 9,495 |
| | | | | | | | | | | | | 3,260 | 65,200 |
| | | | | | | | | | | | | 0 | 1,900 |
| → | | | 3,781 | → | | | | 3,958 | → | | | 3,958 | 76,595 |
| | | | | | | | | | | | | (30,787) | (21,187) |
| | | | | | | | | | | | | (39,486) | ( 4,486) |
| | | | | | | | | | | | | | 1,900 |
| | | | | | | | | | | | | (70,273) | (23,773) |
| → | | | 3,781 | → | | | | 3,958 | → | | | 74,231 | 100,368 |

WEISSMAN-WINOKER REAL ESTATE, INC.

LEASING SALES-MANAGEMENT

501 FIFTH AVENUE
NEW YORK, N. Y. 10017

May 15, 1974

Mr. John Strachan
Post Master
United States Postal Service
General Post Office
Eighth Avenue and 33rd Street
New York, NY 10001

Dear Sir:

In your capacity as Post Master of New York, the planning, direction and ultimate decisions rest with you in regard to post office facilities.

I am aware of the constant need to improve your facilities so that the ever-increasing volume of mail and costs can be contained within your prescribed budgets.

460 Twelfth Avenue, a modern truck terminal designed by a well-regarded architect in truck terminal operations and built to high institutional standards is presently an important part of your New York facilities. 460 Twelfth Avenue was designed so that two additional floors can be added to the present structure and still provide a large roof top truck parking area (see Exhibit #4).

In addition, as the attached Exhibit #2 illustrates, the corner land area of 25,000 sq. ft. presently occupied by a former slaughter house is available without dislocation or community conflict. With the acquisition of this corner area and 460 Twelfth Avenue, your agency would have a super-block (illustrated in Exhibit #2) that would have access to the Lincoln Tunnel, piers and all of mid-town. This acquisition would be of value due to the following:

1. Immediacy.

2. Utilization of existing substantial new post office leasehold improvements at 460 Twelfth Avenue.

3. Use in harmony with surroundings (see schedule).

4. Savings of millions of dollars to the post office without sacrificing efficiency or quality of structure.

The New York Post Office terminal is a structure whose estimated present reconstruction value is $16,000,000.00 without any attention being given to substantial leasehold improvements (see attached letter from designing architect). This property is offered to your agency for a purchase price of $8,500,000.00.

I will call your office for an appointment so that I might discuss this proposal with you and your Real Estate Department.

Yours truly,

Alfred Weissman

AW:hlk
Encl.

EARL J. LEVY
ARCHITECT
DAVID LEVY, R.A.
ASSOCIATE

415 LEXINGTON AVENUE, NEW YORK
212 986-0400

April 24, 1974

Mr. John Gavin
Vice President-Secretary
Yale Express System, Inc.
215 County Avenue
Secaucus, N.J.

Re: N.Y. Post Office
Truck Terminal
460 12th Ave., NYC

Dear Mr. Gavin:

In response to your telephone call to my office to ask my professional opinion as to the current replacement cost of the above referenced terminal on which our firm acted as Architects, please be advised of the following;

The building has a total square footage of approximately 458,000 sq ft. ( 4,600,000 cubic feet) constructed of reinforced concrete, floor loadings of 175 #/sq ft, 100 % sprinklered and serviced by 5 Otis elevators.

It is my opinion that at today's prices, the cost of reproducing this building would be in the area of $35 to 40 dollars per square foot or approximately sixteen to nineteen million dollars.

Very truly yours,

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | | |
|---|---|---|
| CHELSEA NEIGHBORHOOD ASSOCIATIONS, et al., | : | |
| Plaintiffs, | : | 74 Civ. 3702 (Judge Ward) |
| -against- | : | AFFIDAVIT |
| UNITED STATES POSTAL SERVICE, et al., | : | |
| Defendants. | : | |

STATE OF NEW YORK )
: ss.:
COUNTY OF NEW YORK )

THOMAS E. MC HALE, being duly sworn, deposes and says:

1. I am an Assistant Vice President of the firm of Edwards and Kelcey, Engineering, Architecture and Planning Consultants located at One World Trade Center, Suite 5075, New York, N.Y. 10048. Our firm is under contract with the U.S. Postal Service to provide an analysis of the Gordian Associates' report on the Manhattan Vehicle Maintenance Facility Final Environmental Statement.

2. Attached to this affidavit is a brief report entitled "A REVIEW OF THE GORDIAN ASSOCIATES' REPORT TO MANHATTAN COMMUNITY BOARD #4 REGARDING THE MANHATTAN VEHICLE MAINTENANCE FACILITY FINAL ENVIRONMENTAL STATEMENT" (hereinafter referred to as REVIEW), prepared at the request of the U.S. Postal Service.

3. This REVIEW was prepared in part by Mr. Thomas Lavery of Environmental Research and Technology, Inc., 696 Virginia Road, Concord, Massachusetts 01742 as air quality consultant and Mr. Paul Jensen of Bolt, Beranek, and Newman, 235 Wyman Street, Waltham, Massachusetts 02154 as acoustical consultant under our supervision as project coordinators.

4. This REVIEW reaches the following major conclusions:

(a) It was the contention of the Gordian report that the air quality sections of the Final Environmental Statement (ES) were deficient in the analysis of the effects the VMF would have on the community. This is not true. Analyses were carried out and discussed in the ES with regard to carbon monoxide, hydrocarbons, nitrogen oxides, particulates, lead and sulfur dioxide which showed that air quality throughout the Chelsea community will be about the same with or without the VMF.

(b) It was stated in the ES and confirmed in the Gordian report that the peak 8-hour carbon monoxide (CO) concentrations will continue to exceed National Ambient Air Quality Standards at street level locations in the vicinity with or without the VMF. However, the VMF will not cause an exacerbation of the expected high 8-hour CO concentrations. Technical methodologies used in the Gordian report to support a claim of exacerbation were inaccurately applied in the Gordian assessment, as described in the attached REVIEW.

(c) The Gordian report application of ES Figure III-5 to truck movements only is in error and the assumption of a normal distribution is invalid. As a result, their conclusions that:

> "...the noise levels associated with the VMF induced traffic would alone (not counting existing noise levels) result in violation of Federal Highway Administration design noise standards for residential areas and fall into the 'normally unacceptable' category established by the U.S. Department of Housing and Urban Development" (page 2 of Gordian report)

are invalid. Moreover, the attached REVIEW demonstrates that even a total elimination of VMF-PMC generated traffic would not be capable of producing a better noise environment.

Thomas E. McHale

Sworn to before me this

13 day of January, 1975

Notary Public

NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Sept. 30, 1979

Thomas E. McHale

Sworn to before me this

13 day of January, 1975

Notary Public

NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Sept. 30, 1979

# A REVIEW OF THE GORDIAN ASSOCIATES' REPORT TO MANHATTAN COMMUNITY BOARD #4 REGARDING THE MANHATTAN VEHICLE MAINTENANCE FACILITY FINAL ENVIRONMENTAL STATEMENT

Q-1 Q-1

Prepared for:

United States Postal Service
Administration Group
Washington, D.C.

Prepared by:

Edwards and Kelcey
New York, New York
Principal Consultant

Environmental Research and Technology, Inc.
Concord, Massachusetts
Air Quality Consultant

Bolt, Beranek and Newman, Inc.
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# AIR QUALITY IMPACT OF THE VMF

## INTRODUCTION

Because of the proximity of the proposed VMF to the Chelsea community and its potential impact on the air quality in the community, the Manhattan Community Planning Board #4 sponsored a review of the Environmental Statement (ES) for the VMF. This review, prepared by the firm of Gordian Associates of New York City, reached two major conclusions:

1) The eight-hour carbon monoxide standard of 9ppm is currently and will continue to be exceeded in 1980; and

2) The operation of the VMF would exacerbate this unsatisfactory air quality.

This brief paper discusses these two conclusions and the other issues, concerning the air quality impact of the VMF, raised by the Gordian report. In particular, three important questions are addressed. First, the overall air quality impact of the VMF is small - air pollutant concentrations, i.e., of carbon monoxide, non-methane hydrocarbons, and nitrogen dioxide, will be about the same throughout the Chelsea community with or without the operation of the VMF. Second, eight-hour CO concentrations will continue to be exceeded in 1980 though they will not be exacerbated by the VMF. Third, the technical methodologies used in the Gordian report were inaccurately applied in their assessment.

Measurements of existing carbon monoxide concentrations in Manhattan and in Chelsea-Clinton by the City Department of Air Resources and other groups (e.g., the West Side Highway Project) indicates that the eight-hour CO standard of 9ppm is frequently

exceeded and that the one-hour standard of 35 ppm is also (but less frequently) exceeded. As stated in the ES*, the eight-hour standard will continue to be exceeded in 1980 (and possibly into the nineties) with congested traffic and poor meterological conditions. However, the magnitude and frequency of these high concentrations are expected to decrease ( and will not be as extensive as suggested in the review) as vehicular emissions** are decreased and as the effects of the Air Quality Implementation Plan are realized. The impact of the VMF on these concentrations is negligible. Pollutant concentrations will occur whether or not the VMF is built. In 1980 AM and PM peak hour carbon monoxide emissions will be about the same regardless of the VMF; and, as presented in the Gordian report, 1980 8-hour CO emissions will be about the same with or without the VMF.

IMPACT ON THE COMMUNITY

In the final ES the air quality impacts of the project were described with respect to three basic concerns:

- o the impact of the project on the community
- o the impact of the VMF on the associated housing
- o the impact of existing pollution sources on the housing project

The review prepared for Community Planning Board #4 considered only the first basic concern.

It was the contention of the Gordian report that the air quality sections of the ES were deficient in the analysis of the effects the VMF would have on the community. This is not true. The impact analysis

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*For example, on page 12 of Attachment B it was estimated that the 8-hour CO levels of 9ppm will be exceeded about 9 times per year at street level on the Ninth Avenue side of the VMF site.

**Any delays in the implementation of vehicular CO emission reductions would hinder the reduction of CO concentrations in Chelsea. In fact, these delays would have a much more deleterious impact than any individual project.

of the air quality in the Chelsea community was primarily performed by calculating comparative pollutant emissions for a five-by-three block area south of the VMF. This area encompasses the residential sections of the community adjacent to the project. Emissions were calculated for 1980 both with, and without, the VMF. This analysis was summarized in Table III-4 of the ES and is presented here as Exhibit 1. Total CO, HC, and $NO_x$ emissions expected during the morning and evening peak traffic periods throughout the fifteen-block study area will be similar with or without the VMF. These emissions are presented for each block in Tables C-2 through C-5 of Appendix C.

The Gordian report also presented comparative CO emissions for each of the fifteen blocks expected with the highest traffic volumes over an eight-h[illegible] period. This was presented in the review as Exhibit 8 and is presente[illegible] here as Exhibit 2. The conclusion is the same. The overall CO emissions burden on Chelsea will be about the same with or without the VMF. In fact, assuming both congested and uncongested traffic flow over the eight hours, and operation of the VMF with 29th Street closed to public traffic, CO emissions are lower with the completion of the project according the Gordian report.

Although the National Ambient Air Quality Standards (NAAQS) for carbon monoxide are written in terms of hourly and eight-hour ambient concentrations, CO concentrations were generally not calculated except for the blocks adjacent to the VMF site in order to assess the air quality expected in the housing complex itself*. Through the use of a sophisticated, numerical diffusion model it was estimated that the hourly standard was not expected to be exceeded around the site. It was calculated that eight-hour CO levels would be above 9 ppm at street level on Ninth Avenue between 28th and 29th Streets. This is discussed in more detail in the next section.

*Hourly CO levels were also calculated for 34th Street because of the diversion of traffic to this street during the noontime if the VMF were [illegible]rating.

Table III-4

RELATIVE STUDY AREA TRAFFIC EMISSIONS(1)

(grams per hour)

| | A.M. Peak | | | P.M Peak | | |
|---|---|---|---|---|---|---|
| Pollutant | 1972 | 1980 Without VMF | 1980 With VMF | 1972 | 1980 Without VMF | 1980 With VMF |
| CO | 100 | 38.6 | 38.2 | 100 | 34.1 | 33.8 |
| $NO_X$ | 100 | 51.5 | 54.8 | 100 | 47.2 | 51.3 |
| HC | 100 | 50.7 | 50.8 | 100 | 44.4 | 44.5 |

(1) 1980 figures related to 1972 index of 100, based on composite emissions for all street segments in fifteen-block primary study area.



EXHIBIT 1

## EXHIBIT 8

### PREDICTED PEAK 8-HOUR CO EMISSIONS
(All Units in mg/m-sec)

| LINE SEGMENT | UNCONGESTED FLOW | | | CONGESTED FLOW | | |
|---|---|---|---|---|---|---|
| | EXISTING TRAFFIC WITHOUT PROJECT | WITH PROJECT | WITH PROJECT & CLOSING 29 ST | EXISTING TRAFFIC WITHOUT PROJECT | WITH PROJECT | WITH PROJECT & CLOSING 29 ST |
| A | 8.68 | 8.40 | 8.90 | 12.97 | 13.31 | 13.31 |
| B | 13.27 | 13.45 | 14.00 | 20.66 | 20.93 | 21.76 |
| C | 12.84 | 12.95 | 13.50 | 19.86 | 20.09 | 20.94 |
| D | 11.42 | 12.00 | 11.63 | 17.67 | 18.56 | 17.49 |
| E | 12.56 | 12.74 | 12.74 | 19.70 | 19.97 | 19.97 |
| F | 12.11 | 12.26 | 12.26 | 19.01 | 19.29 | 19.24 |
| G | 14.14 | 14.43 | 11.45 | 21.47 | 22.43 | 17.81 |
| H | 7.07 | 7.08 | 6.71 | 10.96 | 10.98 | 10.41 |
| I | 2.49 | 2.58 | 2.58 | 3.90 | 4.01 | 4.01 |
| J | 5.33 | 5.33 | 4.69 | 8.19 | 8.19 | 7.19 |
| K | 7.01 | 7.01 | 7.01 | 10.79 | 10.79 | 10.79 |
| L | 1.34 | 1.34 | 1.34 | 2.04 | 2.04 | 2.04 |
| M | 2.31 | 2.38 | 1.46 | 3.69 | 3.80 | 2.38 |
| N | 4.78 | 5.51 | 1.62 | 7.42 | 8.56 | 2.52 |
| O | 5.50 | 5.72 | 2.97 | 8.53 | 8.87 | 4.60 |
| P | 2.12 | 2.13 | 2.13 | 3.32 | 3.34 | 3.34 |
| Q | 1.82 | 1.93 | 1.93 | 2.85 | 2.99 | 2.99 |
| R | 2.15 | 2.18 | 2.18 | 3.30 | 3.34 | 3.34 |
| S | 0.94 | 0.94 | 0.94 | 1.49 | 1.49 | 1.49 |
| T | 1.82 | 1.82 | 1.82 | 2.82 | 2.82 | 2.82 |
| U | 2.21 | 2.22 | 2.77 | 3.34 | 3.36 | 4.21 |



EXHIBIT 2

$NO_2$ and HC concentrations representative of the general area were estimated by comparing current (1972) $NO_x$ and HC emissions (and concentrations) to those expected in 1980. This analysis was described in Sections II.C.2 and III.A.2(f), Appendix C, and Section VIII.C.4(h) of the ES, which also summarizes the state of the air quality expected in Chelsea in 1980.

The results of this analysis showed that the hydrocarbon standard of 0.24 ppm averaged over the hours of 6 to 9 AM will continue to be exceeded in 1980. Furthermore, a 60% reduction in hydrocarbon emissions, the goal of the Implementation Plan, will not be attained in 1980. The annual $NO_2$ standard of 0.05 ppm will also be exceeded although the annual average is expected to be reduced from 0.14 ppm to about 0.08 ppm. Three other auto-related pollutants - particulates, lead, and sulfur dioxide - were discussed in Section VIII of the ES. In summary, as stated on page VIII-20, ". . . there will be an improvement in air quality in Chelsea by 1980 . . . . The construction (and operation) of the VMF will not help improve air quality, but it will not seriously detract from it."

## EIGHT-HOUR CARBON MONOXIDE CONCENTRATIONS

As stated in the Gordian report, the eight-hour carbon monoxide standard of 9ppm is the most difficult to address, and certainly the most difficult to meet in urban areas. Unfortunately, high eight-hour CO levels represent the most pervasive air quality problem in large metropolitan areas. Often 24-hour CO averages exceed 9ppm and it is not infrequent that peak 8-hour averages are measured at more than three times the standard (e.g., 26 ppm at the corner of Ninth Avenue and 29th Street).

The national 8-hour CO standard is a primary standard* and is certainly as important as the hourly standard. The Community Planning

*In Table II-2 of the ES the eight-hour standard was erroneously labeled as a secondary standard only. Nowhere in the text of the ES was it treated as a secondary standard.

Board contends that the eight-hour standard was insufficiently addressed in the ES. As stated previously, CO concentrations were generally not calculated (except for 31st, 33rd, and 34th Streets) other than to estimate CO levels throughout the housing complex which will be located about 60 feet above street level. To do this, concentrations were calculated due to traffic on the streets surrounding the VMF site only.

It was estimated that the 8-hour CO standard will be exceed on Ninth Avenue between 28th and 29th Streets (Section C.3, Attachment B). Based on the observed decrease in CO values with height (Indoor-Outdoor Pollution Study) it is expected that eight-hour concentrations will not exceed 9 ppm at the level of the air rights housing. Table 8 of Attachment B summarizes the expected distribution of 8-hour CO values with height due to traffic* on Ninth Avenue and background concentrations. This is presented here as Exhibit 3. This represents the exposure of the housing if it were to be constructed at street level (i.e., without the VMF below).

The Gordian report also contends that the VMF will exacerbate high eitht-hour CO concentrations and then claims to demonstrate that traffic alone on several of the 15 street segments in the study area will cause violations of this standard. Both contentions are inaccurate. The Gordian report itself demonstrates that CO emissions averaged over eight hours (see Exhibit B) will be about the same - actually about 5% lower with the VMF - with or without the VMF throughout the fifteen-block study area. As stated on page 12 of the Gordian report,". . . there are a number of locations in the immediate vicinity of the VMF which . . . would be in direct violation of the 8-hour CO standard -- whether or not the VMF was built." In other words, the VMF has no impact on the expected high concentrations.

The second contention - that traffic alone on individual streets in Chelsea would be sufficient to produce 8-hour concentrations above 9 ppm -

*Based on a average hourly traffic volume of 1,500 vehicles per hour.

TABLE 8

WORST CASE 1-HOUR CO CONCENTRATIONS
OUTSIDE AND INSIDE TOWER HOUSING UNIT

| HEIGHT (FT.) ABOVE STREET LEVEL | CO CONCENTRATION (ppm) | |
|---|---|---|
| | OUTSIDE | INSIDE |
| 0 | 28 | 28 |
| 30 | 20 | 20 |
| 50 | 18 | 19 |
| 150 | 17 | 18 |
| 230 | 10 | 12 |
| 290 | 11 | 17 |

TABLE 9

WORST 8-HOUR CO CONCENTRATION
OUTSIDE AND INSIDE NINTH AVENUE
TOWER HOUSING UNIT

| HEIGHT (FT.) ABOVE STREET LEVEL | CO CONCENTRATION (ppm) | |
|---|---|---|
| | OUTSIDE | INSIDE |
| 0 | 9.8 | 9.8 |
| 30 | 6.8 | 6.8 |
| 50 | 6.4 | 6.5 |
| 150 | 5.6 | 6.4 |
| 230 | 3.4 | 4.3 |
| 290 | 3.8 | 6.0 |



EXHIBIT 3

is also inaccurate. The method of extrapolating the model calculations for 29th Street is technically erroneous in several ways. These will be discussed further in following section of this paper.

In urban areas elevated eight-hour CO concentrations measured at an individual receptor are usually not the result of traffic on the nearest street, but are produced by high background concentrations, traffic congestion throughout the city, and generally poor atmpspheric dispersion of the pollutants. The carbon monoxide emissions from all streets within several blocks of the receptor contribute to CO readings at the receptor. Figure II-5 of the ES (presented here as Exhibit 4) presents the expected 1980 backgroundnd* CO concentrations for the study area. Since the background levels during the day are about 70% of the 8-hour standard, the addition of adverse traffic conditions and poor meteorological conditions certainly will result in total concentrations above 9 ppm. Any reduction in emissions within the study area will aid in the reduction of concentrations. As shown in the Gordian review, there would be about a 5% reduction in 8-hour emissions with the VMF.

Furthermore, since postal operations will become more efficient with the VMF, there will be an overall reduction in CO emissions from the postal vehicles and a positive impact on CO concentrations. The comparative CO emissions from postal vehicles with and without the VMF are presented in Table VIII-3 of the ES and here as Exhibit 5. There would be about an 8% reduction in emissions with the VMF. In addition, Table B-5 of the ES (presented here as Exhibit 6) demonstrates that most of the vehicles that will operate out of the VMF presently operate on streets within or near the study area (i.e., most of the one and two ton units and all of the larger units are presently based at nearby 34th Street Garage and Piers). They are thus among the sources currently affecting areawide air quality levels and would therefore not constitute a new source with respect to eight-hour concentrations.

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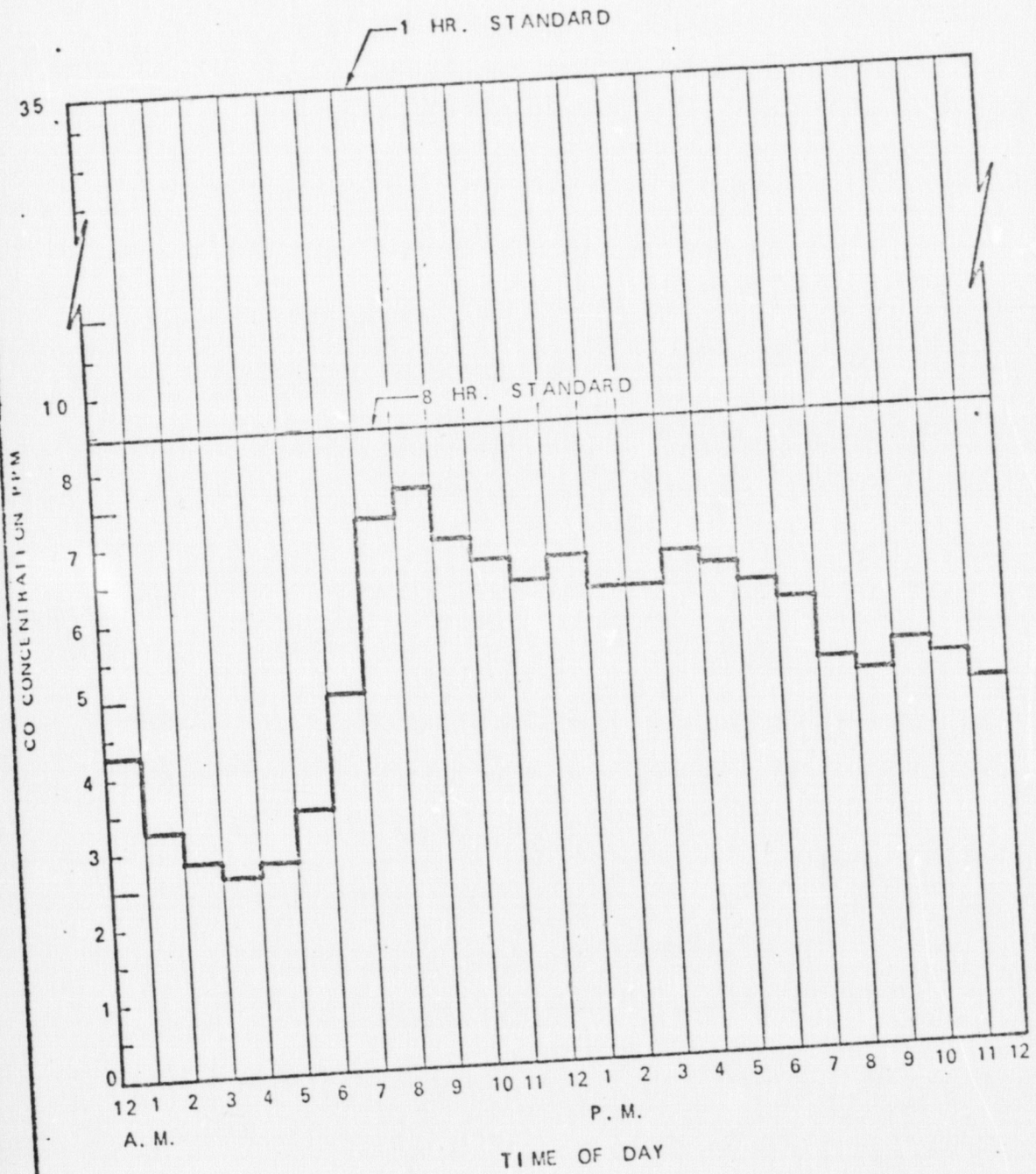
*This figure presents average background levels.

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1980 PROJECTED BACKGROUND
CO CONCENTRATION
MIDTOWN MANHATTAN



Figure II — 5
EXHIBIT 4

Table VIII-2

VEHICLE MILEAGE BREAKDOWN OF 1/4 TO 2 TON UNITS*

| Present Garage Location | Vehicle Type | Present Vehicle Mileage | Proposed Vehicle Mileage | Vehicle Mileage Change |
|---|---|---|---|---|
| Leroy Street | 1/4-1 Ton | 287 | 693 | +406 |
| | 2 Ton | 123 | 297 | +174 |
| | Subtotal | 410 | 990 | +580 |
| Piers/34th St. | 1/4-1 Ton | 568 | 488 | - 80 |
| | 2 Ton | 722 | 622 | -100 |
| | Subtotal | 1,290 | 1,110 | -180 |
| | TOTALS | 1,700 | 2,100 | +400 |

*See Table III-1

Table VIII-3

1980 DAILY POSTAL VEHICLE CARBON MONOXIDE EMISSIONS*
(grams/day)

| | With VMF | Without VMF |
|---|---|---|
| 1/4 to 1 ton | 18,306 | 13,253 |
| 2 ton | 162,295 | 149,227 |
| 5 ton | 83,002 | 125,386 |
| Diesel | 33,630 | 35,754 |
| | 297,235 | 323,620 |

*Revisions to Tables III-3 and C-8



EXHIBIT 5

Table B-5

VMF TRUCK MOVEMENTS

| Origin/Destination | No. of Daily Movements | Present Vehicle Mileage | Proposed Vehicle Mileage | Vehicle Mileage Change |
|---|---|---|---|---|
| **1/4 to 2 Ton Units** | | | | |
| Bowling Green | 18 | 36 | 70 | |
| Trinity | 16 | 26 | 56 | |
| Church Street | 118 | 147 | 378 | |
| Wall Street | 16 | 33 | 61 | |
| Peck Slip | 22 | 49 | 82 | |
| Canal Street | 60 | 33 | 150 | |
| Prince | 12 | 12 | 30 | |
| Knickerbocker | 32 | 62 | 109 | |
| Village | 34 | 12 | 54 | |
| Subtotal @ Leroy St. Garage* | 328 | 410 | 990 | +580 |
| Cooper | 46 | 106 | 80 | |
| Old Chelsea | 38 | 58 | 34 | |
| Peter Stuyvesant | 16 | 43 | 34 | |
| Madison Square | 40 | 74 | 58 | |
| Manhattanville | 56 | 282 | 255 | |
| Morningside | 12 | 57 | 51 | |
| Cathedral | 40 | 154 | 130 | |
| Planetarium | 34 | 96 | 75 | |
| Ansonia | 44 | 85 | 81 | |
| Radio City | 56 | 80 | 75 | |
| Murray Hill | 58 | 93 | 84 | |
| G.P.O. | 70 | 35 | 25 | |
| Times Square | 48 | 38 | 41 | |
| Midtown | 116 | 89 | 87 | |
| Subtotal @ Piers/34 St.Garage* | 674 | 1290 | 1110 | -180 |
| Subtotal 1/4 to 2 Ton | 1002 | 1700 | 2100 | +400 |
| **5 Ton Units** | | | | |
| Church Street | 96 | 345 | 307 | |
| Grand Central | 96 | 163 | 163 | |
| Morgan Station | 454 | 202 | 0 | |
| Subtotal 5 Ton | 646 | 710 | 470 | -240 |
| **Diesel Tractors** | | | | |
| Lincoln Tunnel | 142 | 64 | 86 | |
| Midtown | 36 | 27 | 27 | |
| Times Square | 36 | 13 | 31 | |
| FDR | 36 | 83 | 87 | |
| Murray Hill | 34 | 51 | 48 | |
| Madison Square | 32 | 58 | 47 | |
| Old Chelsea | 32 | 46 | 29 | |
| Cooper | 32 | 70 | 56 | |
| Peck Slip | 32 | 126 | 119 | |
| Village | 30 | 51 | 44 | |
| Canal Street | 30 | 83 | 75 | |
| Church Street | 94 | 338 | 301 | |
| Subtotal Diesel | 566 | 1010 | 950 | -60 |
| Totals | 2214 | 3420 | 3520 | +100 |

EXHIBIT 6

To summarize the influence of the VMF on 8-hour CO concentrations one can only conclude that there will be little impact (as supported in the Gordian review) and, if any, it will tend to reduce emissions. There will be no exacerbation of the expected high CO concentrations.

## DISCUSSION OF THE TECHNICAL METHODS OF THE GORDIAN REPORT

The Gordian report attempted to demonstrate that the eight-hour CO standard will be exceeded in 1980. The conclusion that it will be exceeded is valid; the method of demonstration is incorrect.

On page 12, Section 3 of the Gordian report, the method used to calculate peak 8-hour CO emissions from traffic in the area is incorrect. As cited in Section 3, Table C-1 of the ES was used to obtain the vehicle emission rates. These rates are based on an average light duty vehicle (LDV) speed of 12 mph (uncongested) or 7 mph (congested). The average speeds on some of the streets in the study area are significantly higher. For example, measured speeds on 28th and 29th streets were approximately 30 mph. Since it is well known that CO emissions vary with speed, the use of a speed adjustment factor to calculate 8-hour CO emissionns would have been more appropriate. At 12 mph (A) the speed correction factor is 1.88. At 30 mph (B) the speed correction factor is .88. Assuming an average speed of 12 mph would overestimate the true emission rate by a factor of 2.14. Since the emission rates are probably too high, the 8-hour concentrations calculated from those emissions are also an overestimate.

In Section 4, page 12, of the Gordian report, not only are very conservative emissions used, but the method of computing the CO concentrations contains several serious errors. The method of computing CO concentrations in Section 4 were as follows. First, it was assumed that there was a one to one relationship between emissions and concentrations. The one-hour worst case concentration of 22 ppm (6 ppm from background sources and 16 ppm from traffic on 29th Street). Therefore, it was assumed that for every 1.55 mg/m/sec 1 ppm would result.

$$\left(\frac{34.1 \text{ mg/m/sec}}{22 \text{ ppm}} = 1.55 \text{ mg/m/sec per ppm}\right)$$

This ratio was then applied to 8-hour emissions (Exhibit 8 of the Gordian report) to compute 8-hour concentrations on streets A through U. The background level was then added (5.8 ppm). This total 8-hour peak concentration was then presented in Gordian report Exhibit 10.

Example For line segment A, uncongested flow, with project:

$$\frac{8.40 \text{ mg/m/sec}}{1.55 \frac{\text{mg/m/sec}}{\text{ppm}}} = 5.42 \text{ ppm}$$

adding background

5.42 ppm + 5.8 ppm = 11.2 ppm
(11.5 ppm appears in Exhibit 10)

First, the assumption that there was a one to one relationship between emissions and concentrations that could be applied to all streets is erroneous. The VMF and Morgan form a narrow street canyon only 60 feet wide. The model takes into account the wind flow over obstacles given their dimensions. Any change in those dimensions will cause a change in the resultant concentration. Therefore, applying a ratio, valid only for 29th street, to all streets of vaying dimensions is wholly inappropriate. The ratio of 1.55 cannot be assumed to remain constant.

The next error was applying this ratio to the 8-hour emissions to compute 8-hour concentrations. Since the ratio was computed from a one-hour worst case, this is equivalent to assuming that worst case one-hour meteorological conditions (1 m/sec winds) persisted for eight hours. The probability of this event is exceedingly small.

The third error is the addition of the background concentration of 5.8 ppm after applying the ratio to the 8-hour emissions. The maximum

one-hour concentration of 22 ppm at 29th Street includes the background (16 ppm facility related + 6 ppm background). Since the ratio is based the 22 ppm concentration, the addition of background is equivalent to adding the contribution from the background twice.

Inappropriate emissions, meteorology, generalizations of the model results and background calculations render the predicted 8-hour concentrations in the Gordian report completely unfounded.

ACOUSTICAL IMPACT OF THE VMF

INTRODUCTION

The report prepared by Gordian Associates Inc. for Community Planning Board #4 was also reviewed in terms of acoustical analysis and conclusions presented therein. Full agreement is reached with the following comment made on Page 7 in the Gordian report:

> "..... air and noise pollution ..... have direct effect on the health of residents in the community, because they are quantitive benchmarks for environmental quality, and because their analysis tends to be the most technically complex and, therefore, the least easily understood."

However, the important conclusions pertaining to noise as stated in the Gordian report are in error because Exhibit II in the Gordian report has not been correctly developed. There were two mistakes made in the development of the Gordian report Exhibit II:

(1) The improper use of the ES report Figure III-5, and

(2) The invalid calculation procedure used to determine the $L_{33.3}$ sound levels.

DISCUSSION OF THE TECHNICAL METHODS USED IN THE GORDIAN REPORT

(1) The ES report Figure III-5 is a representation of actual sound level measurements ($L_{10}$) made at two locations plotted against the heavy truck counts performed in the same time periods. The measured sound levels could just as well have been plotted against some other parameter. For example, by replotting the same sound levels against the total vehicle counts as shown in the accompanying Exhibit 7, there is a better correlation to the parameter than found in Figure III-5.

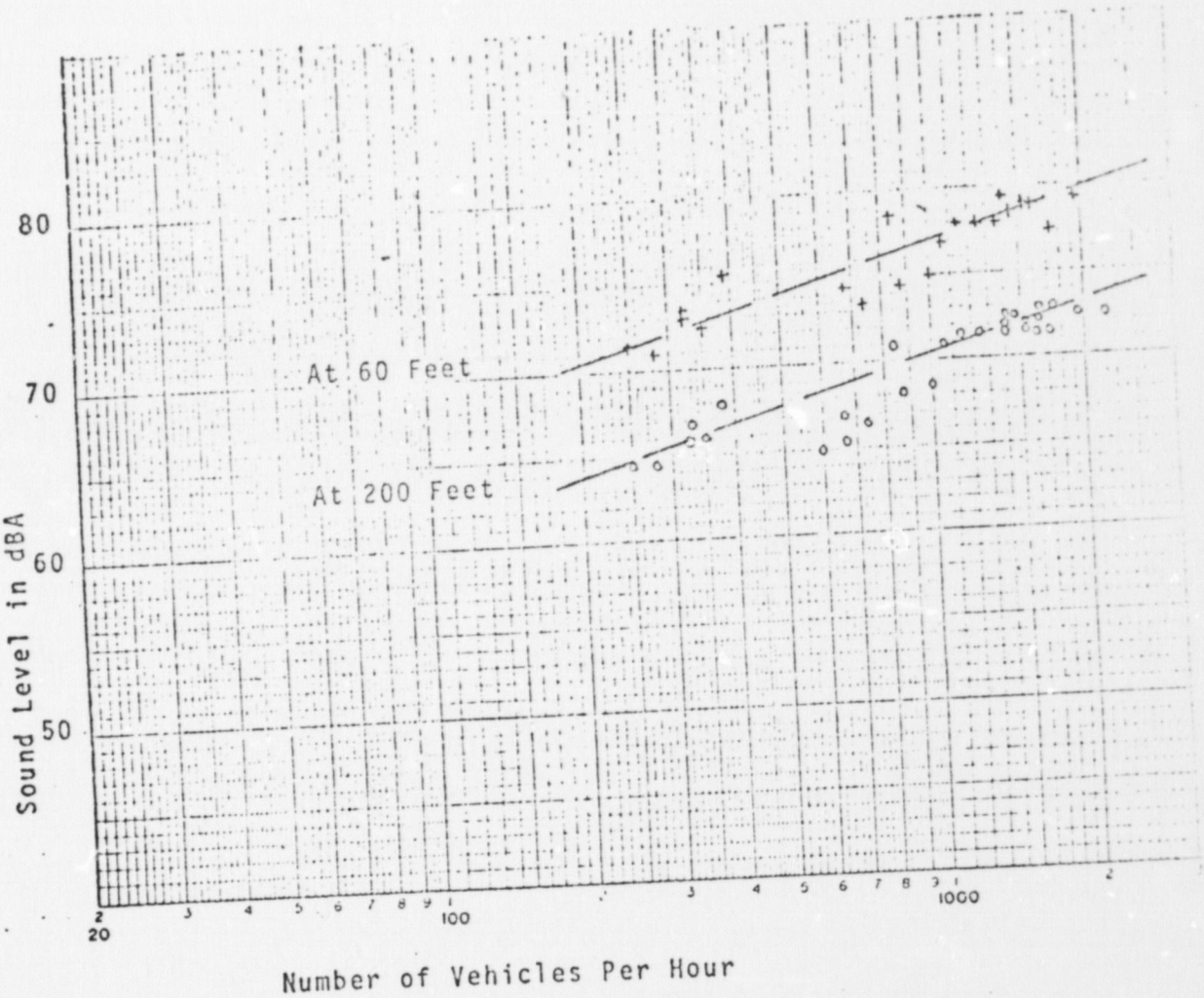


FIGURE 1: TOTAL VEHICLE TRAFFIC VS. $L_{10}$ SOUND LEVELS



EXHIBIT 7

This indicates that the $L_{10}$ sound levels are a function of total vehicles rather than a function of heavy trucks. In the Cordian report, Figure III-5 has been misconstrued as representing $L_{10}$ sound levels produced solely by heavy trucks. The result of this error leads to sound levels in the Cordian report Exhibit II that are too high.

It is instructive and pertinent to determine how much the total vehicle count would have to be reduced from its present level of approximately 1100 vehicles per hour to be in compliance with the HUD eight-hour criterion. In order to do this, the sound level data presented in the ES Tables E-2 and E-3 for the $L_{33.3}$ were plotted against both the heavy truck count and the total vehicle count for the two measurement positions (60 feet and 200 feet). These curves are enclosed as Exhibits 8, 9, 10, and 11. Exhibits 8 and 9 do not show a very good correlation between the heavy truck count and the measured $L_{33.3}$ sound level. Exhibits 10 and 11, however, show an excellent correlation between total vehicle count and the measured $L_{33.3}$ sound level. This indicates that the dominant noise source of the $L_{33.3}$ level is the total vehicle count (not only trucks). The horizontal line on Exhibit 11 indicates the background which is caused both by traffic on 9th Avenue and neighboring streets and avenues.

The conclusion is that total vehicles, not just trucks, must be reduced in number. According to Exhibit 10, the average vehicle count will have to be reduced to approximately 350 to bring that position into compliance with the HUD eight-hour criterion. At the position (200 feet) shown in Exhibit 11, the average vehicle count will have to be reduced to about 900. This is a reduction in average vehicle count of 650 and 200. The total vehicle traffic generated by VMF-PMC will be in the range of 13 to 60.

It is, therefore, believed that a total elimination of the VMF-PMC generated traffic is not capable of producing a better noise environment.

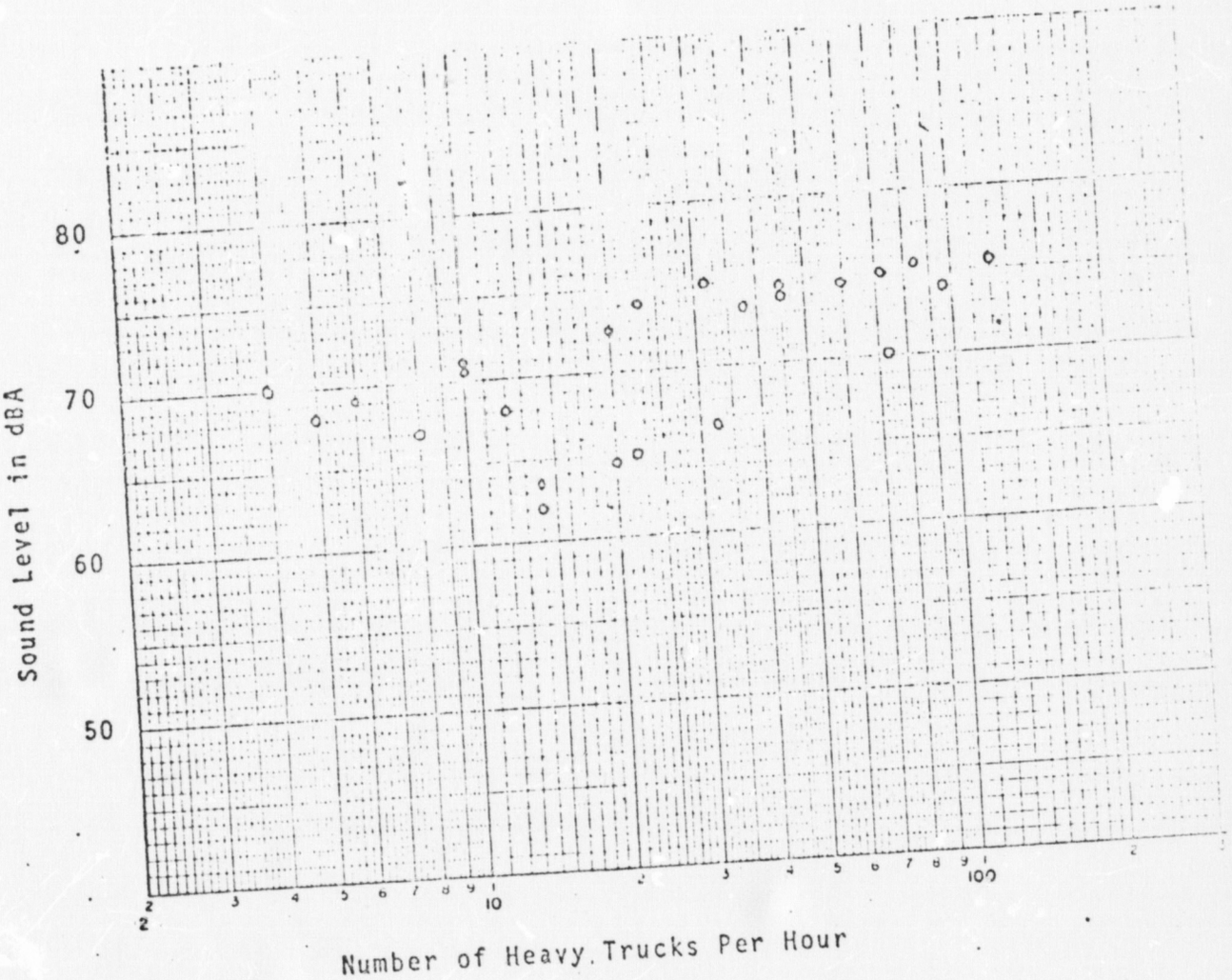


FIGURE 2: HEAVY TRUCK TRAFFIC VS. $L_{33.3}$ SOUND LEVELS
POSITION 60 FEET FROM TRAFFIC LANE



EXHIBIT 8

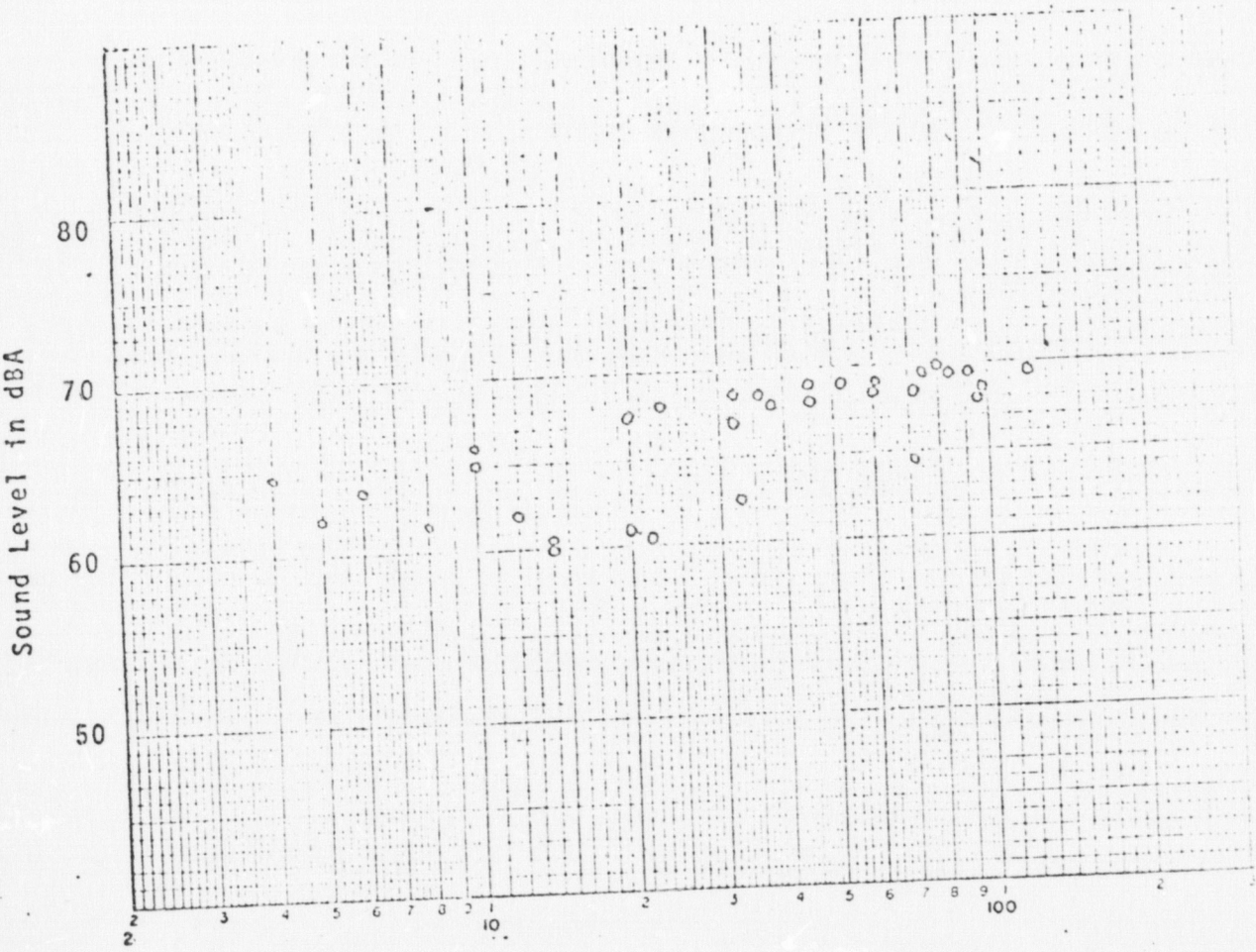


FIGURE 3: HEAVY TRUCK TRAFFIC VS. $L_{33.3}$ SOUND LEVELS
POSITION 200 FEET FROM TRAFFIC LANE



EXHIBIT 9

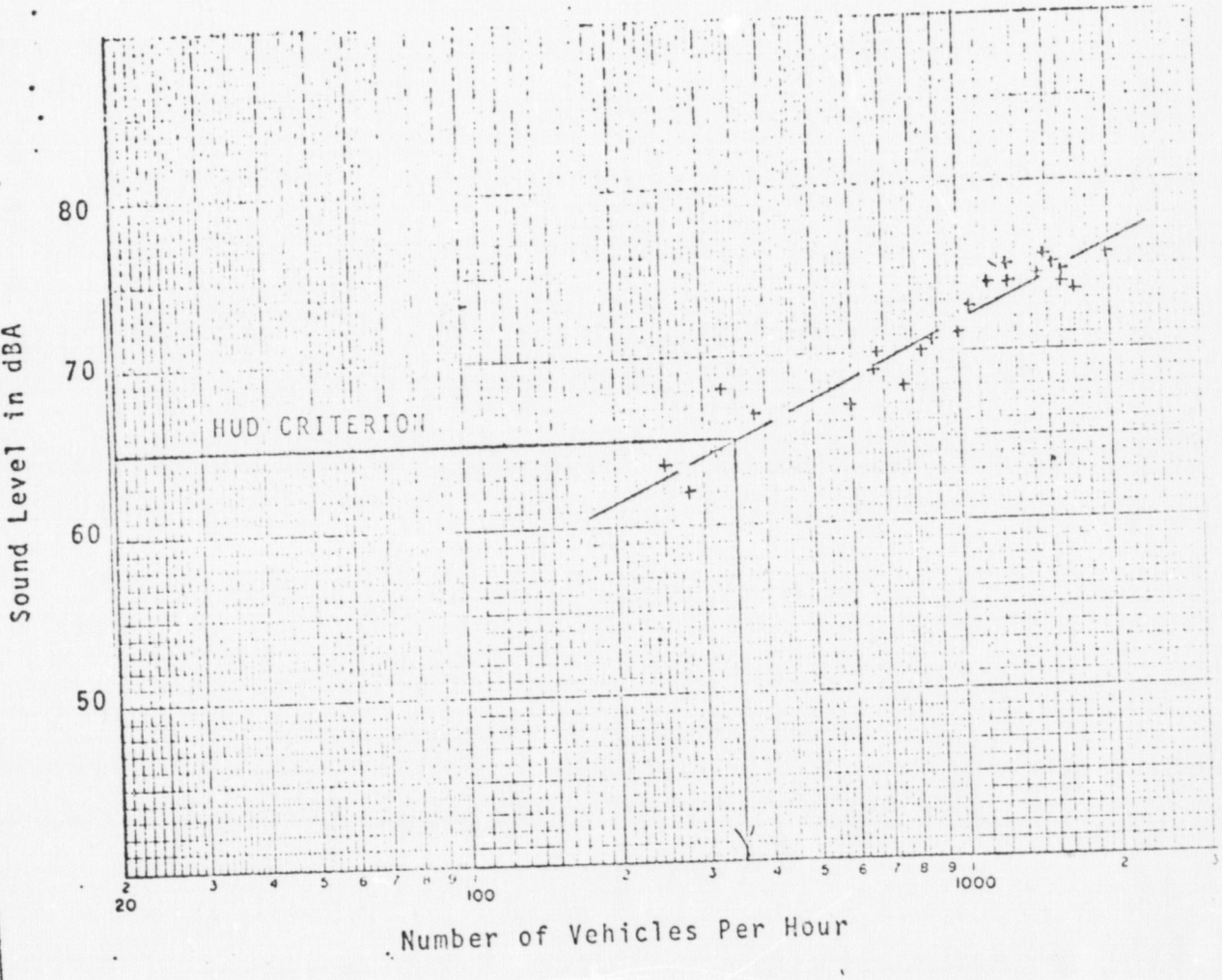


FIGURE 4: TOTAL VEHICLE TRAFFIC VS. $L_{33.3}$ SOUND LEVELS
POSITION 60 FEET FROM TRAFFIC LANE



EXHIBIT 10

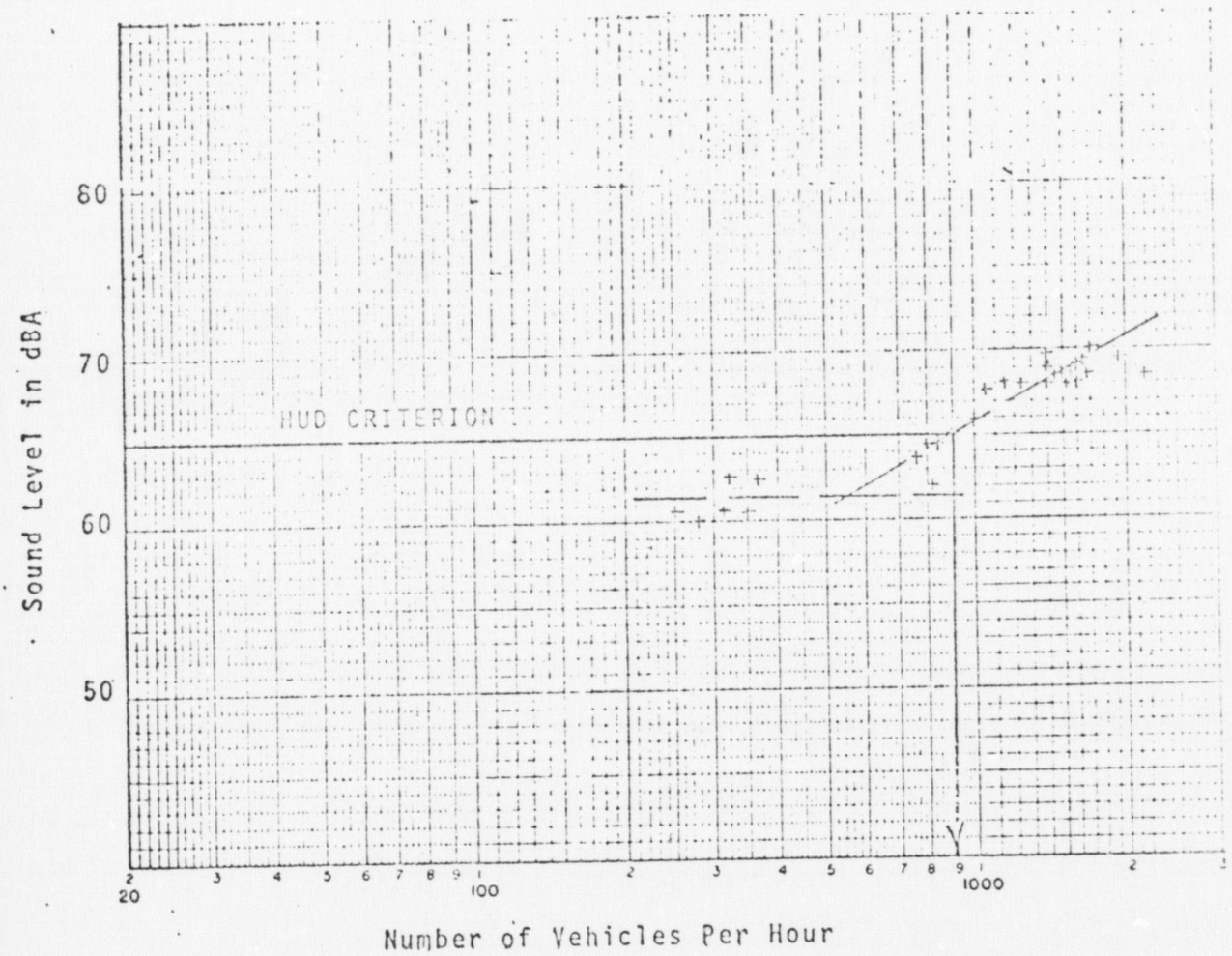


FIGURE 5: TOTAL VEHICLE TRAFFIC VS. $L_{33.3}$ SOUND LEVELS POSITION 200 FEET FROM TRAFFIC LANE



EXHIBIT 11

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(3) The Postal Service has prepared a final

In order to be able to achieve below HUD criterion levels at close apartments, it will be necessary to drastically reduce the traffic on the avenues (to approximately 30% of its present level) or await the development of quieter vehicles. Quieter trucks have already been designed and as stricter codes relating to certification of trucks appear in various states, expectations are for heavy trucks which are about 10 dB quieter than the ones presently in use.

(2) In order to evaluate the calculation procedure used by Gordian Associates Inc., a brief discussion of actual VMF-PMC generated truck movements is needed. In the ES evaluation for four selected critical hours (page III-24), the total number of heavy trucks traveling on each Avenue was assumed to be half the number of heavy trucks going to or leaving the VMF-PMC. This was done to be very conservative in the evaluation of the noise impact. It is very unlikely, however, that half the heavy VMF-PMC trucks should travel on a given Avenue segment. It is more realistic to assume that only one-fourth will be traveling on each Avenue segment (two ways in and two ways out of the VMF-PMC). The result will be that during any given 24-hour period the hourly heavy truck count on an Avenue segment will vary from 8 to 36 (see Table B-3 in ES).

Therefore, the horizontal scale (Gordian Exhibit 11) should show a range of say 5-to-40 rather than 10-to-100. Using the 10-to-100 scale leads to the belief by the non careful reader that $L_{33.33}$ sound levels in excess of 70 dBA can be caused solely by the VMF-PMC generated traffic - this is not so.

The Gordian report Exhibit 11 is developed on the basis of extrapolating $L_{33.3}$ values from measured $L_{10}$ data. The extrapolation procedure is valid only when a normal distribution of traffic is present. The determination of whether a traffic situation is normal or not depends both on the average speed of the heavy trucks and the distance of the observer from the traffic lane. This is accounted for in NCHRP Report 117 because in order to use Figure B-10 of that report (see Exhibit 12 of this review), it is

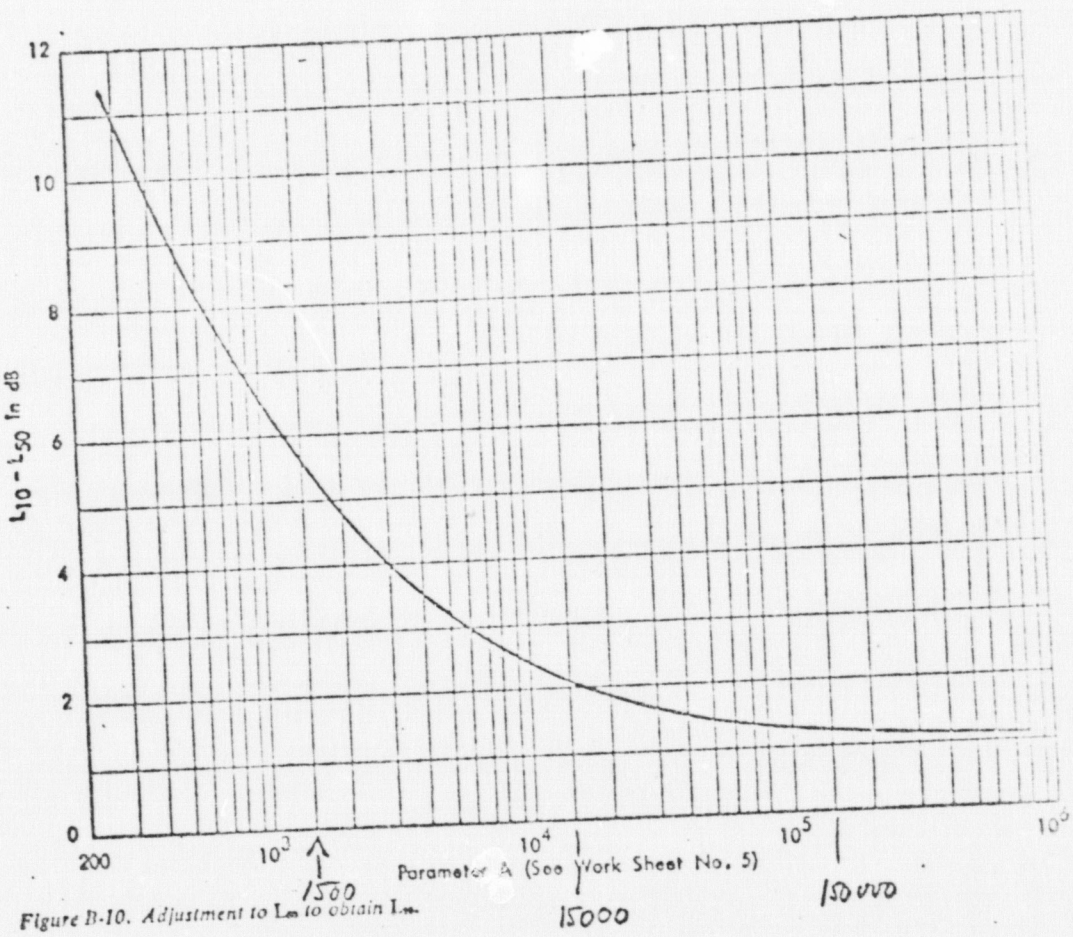


*Figure B-10. Adjustment to $L_{eq}$ to obtain $L_{eq}$.*

FIGURE 6: ADJUSTMENT TO $L_{50}$ TO OBTAIN $L_{10}$
NCHRP REPORT 117 HIGHWAY NOISE
A DESIGN GUIDE FOR HIGHWAY ENGINEERS



EXHIBIT 12

necessary that the parameter A is greater than approximately 200.*. The parameter A is defined as

$$A = \frac{V \times D}{S} \qquad \frac{\text{vehicle-feet}}{\text{mile}}$$

where,

V is the hourly vehicle count (veh./hour)

D is the distance from the observer to the traffic lane (ft)

S is the average speed (miles/hour)

In the situation of only VMF-PMC generated traffic, assuming a vehicle speed of 20 MPH, the variation in the parameter A will (for the two observation points) be as follows:

| VMF-PMC Vehicle Count | Occurrences Number of Hours | A | |
|---|---|---|---|
| | | 60 feet | 200 feet |
| 8 | 5 | 24 | 80 |
| 10 | 1 | 30 | 100 |
| 12 | 1 | 36 | 120 |
| 13 | 4 | 39 | 130 |
| 14 | 4 | 42 | 140 |
| 15 | 4 | 45 | 150 |
| 16 | 7 | 48 | 160 |
| 17 | 3 | 51 | 170 |
| 18 | 4 | 54 | 180 |
| 19 | 3 | 57 | 190 |
| 20 | 1 | 60 | 200 |
| 21 | 1 | 63 | 210 |
| 22 | 1 | 66 | 220 |
| 23 | 1 | 69 | 230 |
| 24 | 1 | 72 | 240 |
| 26 | 1 | 78 | 260 |
| 29 | 1 | 87 | 290 |
| 30 | 1 | 90 | 300 |
| 33 | 1 | 99 | 330 |
| 34 | 1 | 102 | 340 |
| 36 | 2 | 108 | 360 |

*) For values of A below 200, $L_{10}$ and $L_{50}$ behave strangely. In particular, in the revision of Report 117, BBN Report No. 2730, "Highway Noise Propagation and Traffic Noise Models", Volume 3 of 6, prepared for the Transportation Research Board, of the National Academy of Sciences, Nov. 1974, it is shown that both $L_{10}$ and $L_{50}$ become independent of distance from the roadway, i.e., halving the distance does not increase the sound level.

According to the table - the assumption that a normal distribution is present is not valid at all for positions 60 feet from the traffic land and only true for approximately 25% of the time for positions 200 feet from the traveled lane. If the average speed goes down to 10 MPH, the assumption of normal distribution is correct for the far positions (200 feet) while still not valid for close positions (60 feet). If, on the other hand, the speed goes up to approximately 40 MPH, the assumption of normal distribution is not valid for either position.

In summary, the Gordian report use of ES Figure III-5 for truck movements only is in error and the assumption of normal distribution is invalid. Therefore, the conclusion made is not supported by the evaluation procedure.

ADDITIONAL COMMENTS REGARDING GORDIAN REPORT SECTION 4

The threshold of hearing is not defined as "zero decibels." The zero on the decibel scale corresponds to the reference sound pressure of $2.10^{-5}$ N/m$^2$, which happens to be approximately the threshold of hearing at 1000 Hz.

The sound level in dBA is not as defined by the formula on page 15 in the Gordian report. The sound level (noise level) for air-borne sound, is a weighted sound pressure level obtained by the use of a metering network with A-weighting characteristics, as specified by ANSI and IEC standards. The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to the reference sound pressure. The reference sound pressure is $2.10^{-5}$ N/m$^2$.

On page 15 of the Gordian report $L_1$ is defined as the sound level to which one is exposed for more than 1% of the time. This is not correct; $L_1$ is the sound level which is exceeded 1% of the time.

On page 16 of the Gordian report it is stated that the FHWA standard is applicable to the VMF-PMC project. It is not. The method presented by it was adopted for analysis purposes in the ES as pointed out on page D-2 of the ES:

> "The FHWA procedures were developed primarily for use in connection with the construction of new highways and not when new buildings are being constructed near heavy thoroughfares as is the situation in the present project."

On page 19 of the Gordian report, it is stated (lines 19 & 20) that the proposed VMF (air right housing?) falls into the categories established by HUD as either "unacceptable" or "normally unacceptable". This is not correct; the project cannot be categorized as "unacceptable".

STATE OF NEW YORK
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
ALBANY

HENRY L. DIAMOND
COMMISSIONER

January 21, 1975

Dear Sir:

Please be advised that 6 NYCRR Part 201 requires that a permit to construct be issued by this Department prior to construction or modification of an air contamination source or emission source, (including an indirect source).

Please be further advised that after January 13, 1975 all applications for a permit to construct or modify an indirect source of air contamination should be filed pursuant to the provisions of 6 NYCRR Part 203.

The Manhattan Vehicle Maintenance Facility proposed by the United States Postal Service would require permits to construct for its associated parking area as well as for the construction of any stationary air contamination and emission sources.

An application for an indirect source permit to construct may be obtained from the Office of Environmental Impact, New York City Environmental Protection Administration, Municipal Building, New York, New York 10007.

Applications for stationary emission sources may be obtained from the Regional Office of the New York State Department of Environmental Conservation, 2 World Trade Center, 61st floor, New York, New York 10047.

If you have any questions regarding this matter, please contact Stephen L. Gordon, Assistant Commissioner for New York City Metropolitan Affairs in the New York City Office.

Sincerely,

Commissioner

bcc: OR File
Mr. Robert Low
Mr. Harry Hovey
Mr. Gerald Hansler
Mr. Casimir Czarkowski
Mr. Albert Butzel
Mr. E. T. Klassen ✓

Honorable William Bolger
Post Master General
General Post Office
31st to 33rd St. and 8th Avenue
New York, New York 10001

ADDRESS REPLY TO
"UNITED STATES ATTORNEY"
AND REFER TO
INITIALS AND NUMBER

JSS:emw

d-857

United States Department of Justice

UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES COURTHOUSE
FOLEY SQUARE
NEW YORK, N. Y. 10007

January 30, 1975

Hon. Robert J. Ward
United States District Judge
United States Courthouse
Foley Square
New York, New York 10007

Re: Chelsea Neighborhood Assns. v.
U. S. Postal Service, 74 Civ. 3702

Dear Judge Ward:

I am writing in response to plaintiff's letters to you dated January 24, and 27, 1975.

The central issue raised by these letters is whether the Clean Air Act requires the Postal Service to obtain a state permit by virtue of New York State's adoption of 6 NYCRR Part 203. Plaintiffs contend that section 118 does require the Postal Service to obtain a state permit. The Postal Service contends that (1) the Clean Air Act does not apply to the Postal Service (2) Kentucky v. Ruckelshaus is correct that no state permit must be obtained, and (3) even if Alabama v. Seeber is correct, section 118 requires a federal facility to obtain a state permit only to the extent the state permit is required under an approved implementation plan.

Executive Order 11752 is to the same effect, requiring federal compliance with local laws "adopted in accordance with or effective" under the Clean Air Act. No state law can be said to be adopted in accordance with the Clean Air Act until the EPA has approved it from a procedural and substantive standpoint. To hold that a state regulation adopted pursuant to the Clean Air Act requires federal

facilities to comply prior to EPA approval raises the specter of interim compliance with a state plan that may be disapproved in the future, as occurred with New York's previous plan for indirect sources. Any waiver of sovereign immunity and supremacy clause by section 118 is contingent on EPA approval, as Alabama v. Seeber itself noted at 7 ERC 1031.

In the case of New York state, no permit is required under any existing, effective and approved implementation plan. Even strategy B-3 does not require a permit. As for the regulations referred to by Commissioner Reid, 6 NYCRR Part 203, they are not yet part of any implementation plan. Nor have they been formally submitted to the EPA as a proposed implementation plan for EPA approval pursuant to 40 CFR 51.6, although I am advised by the Regional Office of EPA that its submission is expected. Finally, it is certainly too early to determine whether the adoption of Part 203 was "in accordance with" the Clean Air Act. That is a matter delegated to the Administrator's determination under section 110 of the Clean Air Act.

The Postal Service contends that Commissioner Reid's letter and the cited portion of the Administrator's December 30, 1974 statement have no bearing on the issue before the court concerning the applicability of state law to federal agencies at a stage when the state law has not yet been approved by EPA as a section 110 implementation plan. They pertain to a separate issue not before this Court: even assuming the Clean Air Act does not require compliance with that portion of the state implementation plan not approved by EPA, must the Postal Service nonetheless obtain a state permit because the state law qua state law requires it? The Administrator's statement merely acknowleged that valid state law would remain valid

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state law. The Administrator was not interpreting the reach of state law to federal agencies. Similarly, Commissioner Reid's letter presupposes that state law covers federal facilities. It does not have any persuasive weight in this litigation on the issue of whether section 118 intended such a result. At this moment, the Postal Service does not believe that New York State has the authority to require it to obtain a state permit if none is required under the Clean Air Act.

The problem here is the meaning of Commissioner Reid's letter. If the State is asserting only that the permit must be obtained because the Clean Air Act requires compliance with state law, that issue is before this Court. But, if, as the Postal Service understands Commissioner Reid's letter, the State contends a permit is required under New York law wholly apart from what may be required under the Clean Air Act, that issue is not before any court. The Commissioner may have to bring an action in state court to compel compliance, and the Postal Service may then remove it to federal court. At that point--assuming this court has already decided that section 118 only requires compliance with implementation plans--the issue of sovereign immunity and supremacy clause will be raised.

Plainly, a decision by you that the Clean Air Act does require compliance with New York State law will resolve the issue of supremacy clause and sovereign immunity with respect to the need to comply with a valid state law that is not part of an implementation plan. But such a decision, the Government contends, would be contrary to the entire fabric of the Clean Air Act and the provision for citizen's suits thereunder. Moreover, there is no indication that this was Congress' intent by passage of section 118.

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Accordingly, the Postal Service believes that there is nothing contained in plaintiff's letters of January 24 and 27, 1975 that changes the present posture of the case before Your Honor with respect to the permit requirements.

I am also enclosing a supplemental affidavit of William V. Chapp concerning the plaintiff's proposed alternative Yale Express Co. terminal. This supplemental affidavit corrects certain factual statements contained in the original affidavit attached to the Postal Service's motion papers. It is based on new factual data which have recently been learned. These corrections do not in any way change the Postal Service's conclusion that the Yale terminal is an unacceptable alternative.

Respectfully submitted,

PAUL J. CURRAN
United States Attorney

By: _____
JOHN S. SIFFERT
Assistant United States Attorney
Telephone: 791-1973

cc: Berle Butzel and Kass
425 Park Avenue
New York, New York 10022

Mr. Stephen L. Gordon
Assistant Commissioner for New York City
Metropolitan Affairs
New York State Department of
Environmental Conservation
2 World Trade Center, 61st Floor
New York, New York 10047

JSSrea
74-2818

February 20, 1975

Hon. Robert J. Ward
United States District Judge
United States Courthouse
Foley Square
New York, New York 10007

Re: Chelsea Neighborhood Assns. v.
United States Postal Service,
74 Civ. 3702 (RJW)

Dear Judge Ward,

I am writing to conform my telephone conversation with your law clerk and plaintiffs' counsel that bids have been opened for the construction of the Morgan Annex. There were a total of thirteen bids, the highest being $43,920,000 and the lowest being $36,566,000. Sovereign Construction Co. submitted the lowest bid. The firm of William R. Crow submitted the next low bid at $37,161,000; and there were a group of bids at about $38,500,000.

The low bid fell within the estimated cost of construction ($27-37 million) and within the sum of $37 million allocated for the project. Nonetheless, the Postal Service will have to seek an additional allocation of approximately $4,000,000 from the Board of Governors, because of the expenditures already made on architect/engineer costs, advances to New York City for preliminary housing design costs, supervision and support costs. In addition, of the $37 million already allocated, $2,514,000 is already committed and approximately $1,500,000 is earmarked for contengencies and cannot be applied

to the bidded price of $36,566,000.

Since the Board of Governors will not meet until March 4, 1975 it will be impossible to award a contract until then. In the interim, the Postal Service will review the low bid to determine the responsibility of the bidding firm and the responsiveness of the bid. Assuming all is in order, and the ten day protest period passes without cause to delay, the contract should be awarded upon approval of the Board of Governors of the additional allocation. The bids, in any event, are now frozen at current amounts until April 21, 1975.

Finally, I have again conferred with EPA who advises that the ten week estimate before approval or disapproval of Part 203 previously communicated to Your Honor is still correct. The plan should be published in the Federal Register within three weeks, assuming, in EPA's preliminary judgment, that minimal standards of acceptability are met, at which time the thirty day public comment period will begin to run. Subsequent to receipt of all public comments, there will be another short delay for EPA to review the comments, and an order will be rendered thereafter.

I will, of course, continue to keep the court and opposing counsel apprised of any further developments with respect to this action.

Respectfully submitted,

PAUL J. CURRAN
United States Attorney

By: _____
JOHN S. SIFFERT
Assistant United States Attorney
Tel.: (212) 791-1973

cc:
Berle Butzel & Kass
425 Park Avenue
New York, New York 10022

JCG:ka
74-2010

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - - - - - - - - - - - - - - - - x

CHELSEA NEIGHBORHOOD ASSN. et al.,

Plaintiffs,

-v-

U. S. POSTAL SERVICE, et al.,

Defendants.

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74 Civ. 2012 (CHT)

- - - - - - - - - - - - - - - - - - - - x

The defendants submit the following statement of material facts not in dispute pursuant to Local Rule 9(m) in support of its motion for summary judgment:

(1) On January 20, 1975 the United States Postal Service intends to open bids for construction of a vehicle maintenance facility (VMF) on the northern portion of the Chelsea neighborhood. The site for the VMF is one full block bounded by 26th and 27th Streets and 9th and 10th Avenues. The VMF site is directly across the street from the Morgan Postal Station, which is presently being refurbished and mechanized. The VMF will provide parking space and maintenance for 910 Postal Service vehicles. Access to the VMF will be limited to 29th Street; and 27th Street will be reserved exclusively for use by the Postal Service.

(2) The VMF will not contain parking spaces for employees of the Postal Service nor for residents of the proposed housing units.

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(3) The Postal Service has prepared a final environmental statement for the VMF. That statement was filed in final form in April 1974.

(4) In May 1974 the Yale Express Co. garage, located between 39th and 40th Streets and 11th and 12th Avenues, became available for sale. The Postal Service has rented space in that garage for a number of years. The Yale Express Co. garage is approximately ten blocks from the Morgan Station. The Yale Express Co. garage is served by elevators. The Yale Express Co. garage contains total floor space of approximately 458,000 square feet. The Yale Express Co. garage does not contain a vehicle maintenance facility. The floor-to-ceiling height of the Yale Express Co. garage is ten feet.

(5) Minimum 12 foot ceiling heights are required for large postal trucks. The VMF will provide approximately 800,000 total square feet (outside wall to outside wall, excluding non-vehicle related space.)

(6) The estimated cost of the VMF project is between $27 and $37 million.

(7) HUD has received no formal application for funds under the rent-subsidy program for low income housing of Section 8 of the Housing and Community Development Act of 1974 (47 U.S.C. § 1437(f).) In May 1974 HUD had set aside funds for 900 units of low income housing under revised Section 23 of the Housing Act of 1937. Revised Section 23 has been supplanted by Section 8. The Secretary of HUD is now considering whether funds previously set aside under revised Section 23 will be transferred to Section 8 housing. Under HUD's regulations, prior to release of funds for Section 8 housing, a statement in compliance with NEPA must be filed.

(3) It is not now known whether there will be one or more towers constructed above the WTC, or whether there will be low-rise apartment units interspersed, if so how many. Present WTC plans do provide foundations for a specific high-rise apartment tower complex. These plans do limit the weight which the foundations can support and so will determine the maximum number of housing units that may be constructed on top of the WTC. However, the foundation plans will permit any number of housing units below the maximum number of 800. The foundation plans also include columns, ducts and shafts which may determine the positioning of residential structures. However, these foundation plans do not predetermine the size, shape or design of the residential units or of the towers.

DATED: New York, New York

January 6, 1975

Respectfully submitted,

PAUL J. CURRAN
United States Attorney for the
Southern District of New York
Attorney for the United States
of America

By: _____
JOHN S. [illegible]
Assistant United States Attorney

# Where there's a wall, there's a way

"Isolated" is the word that flashes to mind in trying to describe the original plan for housing above the Morgan Post Office garage at Ninth Avenue and 28th Street.

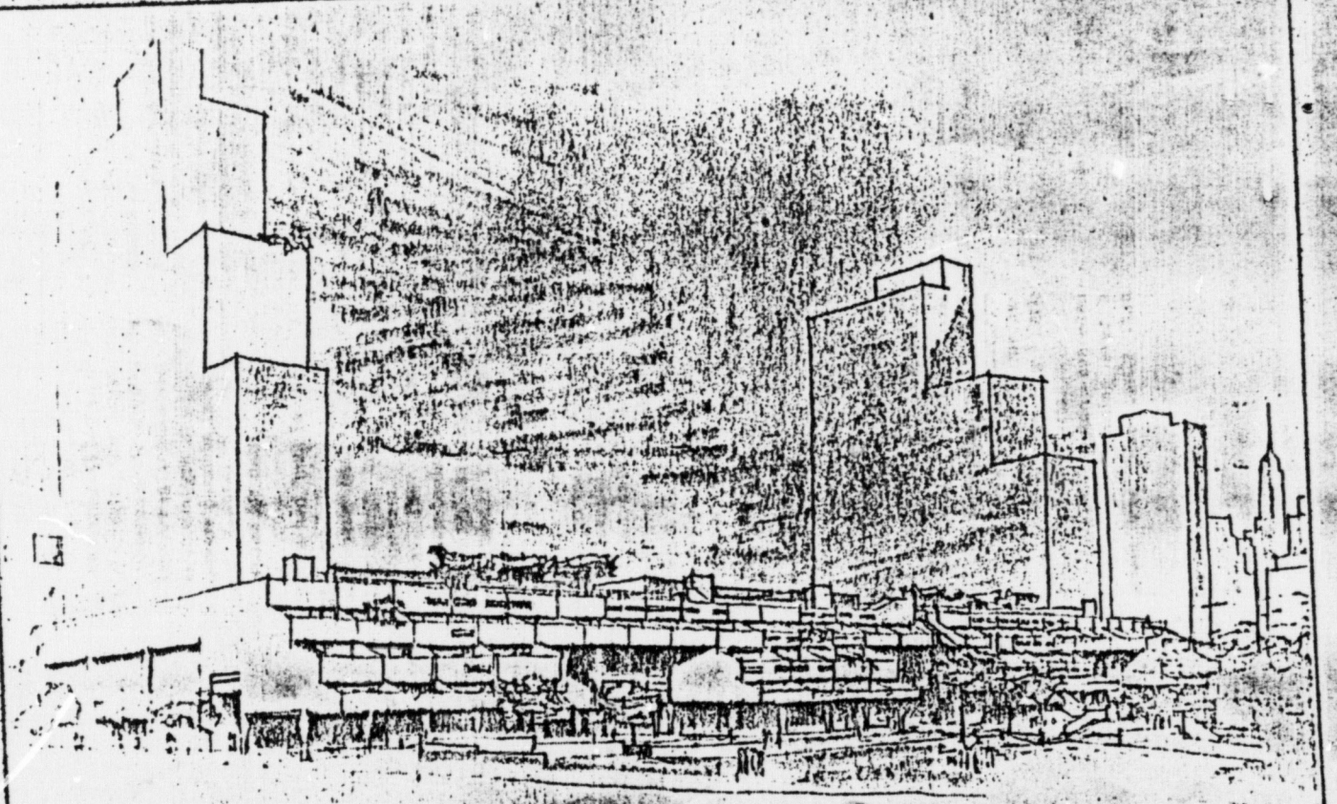
The controversial design by Emery Roth & Sons, architects of the garage, envisioned two skyscraper apartment buildings far above the street, atop an 80-foot-high, block-long concrete slab.

It didn't take any special design sense to see what a deadening effect the 80-foot wall looming above Chelsea Park would have on the community.

But now the architects chosen by the community housing corporation to design the housing component of the garage-housing complex have come up with a lively solution to the problem of that oppressive wall.

The architects, Gruzen & Partners and Castro-Blanco Piscioneri & Feder, propose "laminating" housing units to the wall facing the park and projecting them out over 28th Street between Ninth and Tenth Avenues. Instead of the wall, there would be windows and people. On Ninth Avenue, a row of stores would enliven the scene. Only on heavily trafficked Tenth Avenue would the wall remain.

(Continued on page 11)



An innovative solution for housing above the Morgan Annex Postal garage is proposed by Gruzen & Partner and Castro-Blanco Piscioneri & Feder, the architects hired by the community housing corporation.

# Wall of housing proposed for Morgan Annex garage

(Continued from page 5)

Peter Samton, head of design at Gruzen & Partners, explained that the architects had hit on the idea of bridging the street with housing because the plans for the garage were so far advanced that no major changes in its size or shape were possible. In fact, the Postal Service has already advertised for bids to construct the facility.

"If we had been in on this a year ago," Samton said, "we would have been able to do better things, but that's water over the dam."

What the new concept proposes is to drop "an envelope of housing," as State Housing Commissioner Lee Goodwin put it, on top of the garage. The housing envelope effectively disguises the massive base building on the two sides facing the residential community.

Samton said that this approach was in line with what Gruzen & Partners has done in other projects involving unesthetic but necessary construction features like parking garages and storage space. In one instance, the firm won the competition for a design of the Central Park stables (never built). The solution was to disguise the stables by putting an orchard on top of it, thus answering the need for the stable without extensive park changes. Gruzen's design for the new Police Headquarters recently won an award for excellence from the New York Society of Architects.

Although Samton conceded that building housing over a street was more costly than conventional housing, he pointed out that several hundred thousand dollars would be saved by foregoing the use of expensive facing material on the 80-foot wall.

Samton also said that fumes from traffic on 28th Street under the housing could be vented through the same system used to vent the postal garage.

But he emphasized that both are very tentative at this stage—the two architectural firms chosen by the community corporation haven't even signed contracts yet. Based on the feedback they got at the last meeting at Commissioner Goodwin's office, however, he's optimistic about the concept.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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|---|---|
| CHELSEA NEIGHBORHOOD ASSOCIATIONS, PENN SOUTH PARENTS, CHELSEA-ELLIOTT TENANTS ASSOCIATION, COUNCIL OF CHELSEA BLOCK ASSOCIATIONS, KELVIN L. and ELLA MARIE KEAN, BEVERLY RUBIN and FRANCES LOPATIN, Plaintiffs, -against- UNITED STATES POSTAL SERVICE and E.T. KLASSEN, individually and as Postmaster General, Defendants. | 74 Civ. 3702 (Judge Ward) AFFIDAVIT IN SUPPORT OF MOTION FOR INJUNCTIVE RELIEF |

STATE OF NEW YORK )
: ss.:
COUNTY OF NEW YORK )

PETER A. A. BERLE, being duly sworn, deposes and says:

1. I am a member of the firm of Berle, Butzel & Kass, attorneys for the plaintiffs herein. I make this affidavit in support of plaintiffs' motion for injunctive relief, being fully familiar with the facts herein.

2. This is an action for declaratory and injunctive relief to prevent the United States Postal Service from proceeding with the construction of its so-called Vehicle Maintenance Facility -- in reality a huge Garage (hereinafter the "VMF") -- between Ninth and Tenth Avenues and 28th and 29th Streets in the Chelsea section of Manhattan.

3. The VMF is supposed to provide parking and repair facilities for 918 Postal trucks. It will be multi-storied with walls up to 80 feet in height facing onto Chelsea Park and the surrounding neighborhood. It will generate an average of 2,200 truck trips each day, with peak activity between 5 and 7 A.M. It will cause substantially increased truck traffic and congestion. This, in turn, will increase exhaust emissions resulting in higher levels of carbon monoxide (CO), nitrous oxides ($NO_x$) and hydro-carbons (HC) in the area.

4. This action was started on August 26, 1974, with the filing of a verified complaint to which the Court is referred and which fully sets forth the facts. The Postal Service filed its answer on November 20 -- five days after it began to advertise for bids for the construction of the VMF. The bidding period is now scheduled to close on January 23, and on information and belief, unless restrained by this Court, a contract will be awarded and construction will begin shortly thereafter. As the signing of a construction contract and the commencement of work would involve irrevocable commitments of resources that could not help but alter the balance of equities, and since the work itself would result in increased levels of noise and traffic, to the injury of plaintiffs and their members, plaintiffs now move for a preliminary injunction to prevent the Postal Service from signing any construction contracts or taking any other action in commencement or in furtherance of building the VMF.

5. The basis for this action and the justifications for injunctive relief include the following:

A. In its evaluation process leading to the decision to proceed with construction, the Postal Service failed to meet the requirements of the National Environmental Policy Act [42 U.S.C. §4321 et seq.]. In this connection and with particular reference to the environmental impact statement ("EIS") submitted for the Project:

(1) The Postal Service improperly justified the VMF on the basis of housing to be provided above it, without considering the environmental impacts of the housing. Of equal importance, as recent events have shown, the housing itself is shrouded in uncertainty and thus could not properly be used to justify the VMF.

(2) The EIS failed to disclose -- and apparently the Postal Service failed to recognize -- that with construction of the VMF, there would be common place violations of the primary carbon monoxide limitations promulgated by the U. S. Environmental Protection Agency under the Clean Air Act. Consequently, the EIS did not properly analyze, nor could the Postal Service or the public properly have understood, the actual

Postal Service also ignored its own NEPA regulations which

environmental impacts of the proposed action. This, in turn, made it impossible to accurately carry forward with the cost-benefit balancing required by NEPA.

(3) The EIS was also deficient in its consideration of noise and other air pollutants. In particular, the decision to proceed reflected in the EIS was contrary to NEPA in light of the admitted facts that: (A) noise levels in the Chelsea area already exceed acceptable standards, and the traffic from the VMF would not only increase the levels, but result in unacceptable noise in and of itself; and (B) concentrations of hydrocarbons and nitrous oxides in the Chelsea area will continue to exceed primary clean air standards after the 1977 attainment deadline, and the VMF will increase such emissions even further.

(4) The Postal Service failed to give serious consideration to reasonable alternatives and ignored completely the use of an existing truck garage which, on information and belief, when enlarged, could meet the Postal Service's maintenance and parking needs and would cost far less than the VMF. In this same connection, the Postal Service failed to develop



Postal Service also ignored its own NEPA regulations which

in the EIS or otherwise the cost-benefit analysis called for by NEPA and its own regulations; and it also failed to follow the mandates of its enabling statute which required it to treat "control of costs" as a principal concern [39 U.S.C. §101(g)].

B. Construction of the VMF, as presently projected, would violate the Clean Air Act and the implementing regulations promulgated by the State of New York thereunder, in that:

(1) No indirect source permit has been obtained for the VMF, as required by law.

(2) The traffic generated by the VMF once it was completed would, in conjunction with other emission sources, result in frequent violations of the primary standards for carbon monoxide, hydrocarbons and nitrous oxides under the Clean Air Act.

Each of the foregoing deficiencies is discussed in greater detail below, and in the accompanying memorandum of law submitted herewith.

The Improper Use of the Air Rights Housing

6. In its EIS, the Postal Service continuously set forth as a principal benefit and justification for the VMF, the air rights housing which it assumed would be constructed above the facility. Thus in its initial analysis of impact, generally reserved for adverse effects, the EIS was quick to conclude that:

"The most significant impact of the project is the positive response to a pressing and obvious need for low and moderate income housing in the area." (EIS, summary at p. 3] (emphasis added).

The same theme was sounded with even greater emphasis in the section of the EIS where the balancing of pros and cons and the "assessment of trade-offs" was supposedly undertaken [Section III B at pp. III-55 and 56.] Thus, after acknowledging that positive effects had to be measured against adverse impacts, the EIS made it clear beyond any adventure that the air rights housing was a critical factor in the balancing:

"With respect to beneficial consequences, Postal Service operations will be made more efficient and working conditions more favorable for employees by implementing the proposed action....Most importantly, the proposed project is a response to a pressing local housing need, to which the community readily admits.

"It is the conclusion of this statement that the net effect of a project development is positive, as it represents an improvement of Postal Service operations, as well as a much needed source of low and moderate income housing for the Chelsea-Clinton Community." (Emphasis added in first paragraph only).

7. From the foregoing, there can be no doubt that air rights housing was used as a principal justification for construction of the VMF. Yet despite this reliance, nowwhere in the EIS is there the detailed environmental evaluation of the housing that NEPA requires. To the contrary, in its comment letter on the draft EIS, the Department of Housing and Urban Development stated

expressly that there had been no environmental clearance for the housing [EIS, Attachment A, Letter of Feb. 8, 1974]. Under these circumstances, the use of the housing to justify the VMF was unwarranted; for if the positive values of the housing were to be taken into account for purposes of cost-benefit balancing under NEPA, the negative effects likewise had to be identified and weighed. This was not done, despite the undoubted impacts of high-density, high-rise housing, such as that projected in the EIS, on the neighboring community.

8. Furthermore, the failure to have assessed the housing elements in conjunction with the VMF had the effect of artificially and improperly constraining the options available in respect of the housing itself. For example, the layout for the housing, as set forth in the EIS, was admittedly dictated in substantial part by the structural characteristics of the VMF [EIS, p.VIII-3 and 4]. A comprehensive evaluation of the layout might well have shown, however, that it was environmentally poor--as, for example, requiring excessive heights for the towers or involving large areas of unusable space. Yet the options were not and could not be considered due to the presumption that the VMF would be built, and built in a particular way; and if construction is now allowed to go forward, the alternative

possibility may forever be lost. Similarly, social implications attending heavy-density housing, separated from the surrounding world by an 80-foot high platform, were barely touched on; yet if an EIS had been prepared for the residential units, these would have been critical concerns and might well have resulted in improved facilities and a safer environment. By reason of the artificial segmentation, however, and the Postal Service's insistence on proceeding with VMF construction now, the possibilities of better solutions will be severely limited.

9. Finally, we deem it important to point out to the Court that the Housing plans upon which the Postal Service based its EIS analysis have since changed to such a degree and are now so shrouded in uncertainty that even if the EIS evaluation had been adequate at the time, the same no longer holds true. Thus in the EIS, two 27-story high-rise towers containing 864 apartments were assumed to constitute the housing [EIS, Summary, p.1; Section I, p.I-5; Figures I-2 and I-3]. By October 1974, however, when the Postal Service answered our initial interrogatories, the "EIS design" had changed completely, with a significant reduction in dwelling units [Defendants' Answer to Plaintiffs' First Set of Interrogatories, Answers 4 and 12, and sketches filed therewith]. Now, moreover, we understand that the "October"

design has also fallen by the wayside, that there are no specific plans which have been adopted in substitution and that even the number of apartments remains undetermined. Yet at the same time, on information and belief, the Postal Service intends to proceed as if nothing were different. How it can do so consistent with NEPA, and how it can now possibly contend that its environmental evaluation was or remains adequate, is beyond our comprehension and beyond, we believe, any legal authority.

The Failure to Disclose or Take Account of Violations of Clean Air Standards for CO

10. In accordance with the provisions of the Clean Air Act, the U.S. Environmental Protection Agency has established standards, or limitations, on the amounts of carbon manoxide in the ambient air that can be tolerated with at least some degree of safety. These so-called primary standards, which must be met in New York City by 1977 and maintained for the future, are 35 parts per million for any one-hour period and 9 parts per million as an 8-hour average.

11. In its EIS, the Postal Service made reference to both the 1-hour and 8-hour limitations but it treated the latter as essentially without significance. Indeed, while extensiv modelling was undertaken to evaluate CO concentrations for one-hour periods, nothing similar was done to measure 8-hour levels. Instead, the EIS contented itself with the single statement, tucked away in a section entitled "Coordination with Others", that:

> "The eight-hour standard, which is currently frequently violated, will be exceeded only during particularly adverse traffic and meteorological conditions and only at Street level very close to major arteries." [EIS, p. VIII-19].

12. The deficiencies of the foregoing statement--both legally and factually--and the failure of disclosure it represents are set forth in the annexed affidavit of Simon Mencher, former Commissioner of Air Resources for the City of New York, and Steven Baum, and in the accompanying study of VMF air and noise pollution impacts which their consulting firm, Gordian Associates, undertook for the Environmental Committee of New York City Community Planning Board No. 4. Thus, as therein stated, contrary to the easy implications of the Postal Service EIS,

> "The fact that the 8-hour standard will be exceeded during adverse traffic and meteorological conditions at street level is of major significance. The standard requires that it not be exceeded more than once a year, and severe traffic and meteorological conditions (e.g. calm days) occur relatively often in New York City. [Gordian Study, pp. 10-11] [emphasis added].

The Postal Service, it seems, as noted in the Mencher-Baum affidavit, mistakenly construed the 8-hour standard as a secondary limitation, which is not binding in the same way as a primary standard; and for this reason, it may not have appreciated the significance of the limitation. But whatever the reason, there was a failure of disclosure that constituted a major deficiency in the EIS.

13. Nor did the shortcomings stop there. For contrary to the statement in the EIS that violations of the 8-hour standard would be occasional only, the Mencher-Baum affidavit and accompanying Gordian study show that there could be commonplace and massive violations with the VMF, even under uncongested traffic conditions. In this connection, the EIS simply did not come to grips with the problem, containing no modelling analysis geared to the 8-hour standard. The Gordian Study filled this void, concluding on the basis of a detailed analysis that as of 1980--3 years after the attainment deadline--there would be frequent violations of the 8-hour standard around the VMF even in uncongested periods. Furthermore, while violations would be prevalent even without the VMF, the truck traffic generated from the Garage would increase the excess pollution levels further, thus making the health dangers worse. The Gordian Study also shows that in congested flow conditions (a common circumstance in the experience of any layman acquainted with the area), the

project will cause even more substantial violations of the standard. 11 of the 21 test areas selected will have 8-hour CO concentrations in excess of the permissible 9 parts per million, and in 5 of the areas CO concentrations will exceed 19 parts per million, or more than double the level considered dangerous to health.

14. The failure of the EIS to have dealt frankly with and to have fully disclosed the commonplace violations of the 8-hour standard was and is so basic, we submit, that an effective evaluation under NEPA became impossible. For whatever reason, the relevant facts that were essential to informed decision-making were not there. The mistaken assumptions regarding the significance of the 8-hour standard, and even more deep-rooted, the failure to develop and set forth the actual conditions that would likely occur if the VMF was built -- these in combination made effective NEPA evaluation impossible.

The Deficiencies of the EIS in Respect to Noise and Other Air Pollutants

15. The Mencher-Baum affidavit and the Gordian Study also point up major deficiencies in the analysis of noise impacts set forth in the EIS. In this connection, the EIS itself acknowledges that noise in the Chelsea area surrounding the VMF is already at levels regarded as "normally unacceptable" for new housing construction [EIS, p. II-16]; and the EIS further

admits that VMF traffic will increase the noise, particularly in early morning hours [EIS, pp. III-22 to 27]. Nonetheless, the conclusion is reached that there would be essentially no adverse impact because, as compared to current levels, the increase would be relatively small [E.g., EIS, pp. III-23, III-27]. Indeed, in the final analysis of trade-offs, truck noise is not even mentioned among the adverse effects [EIS, p. III-35]

16. The problem with the foregoing approach is, as the Gordian Study points out, that if incremental noise impacts such as those from the VMF are constantly accepted on the grounds that they will not greatly increase existing levels, then, by the ultimate cumulation of a number of such impacts, total noise would be insufferable [Gordian Study, pp. 18-19]. Under these circumstances, the use of incremental increases to assess acceptability offers no protection or meaningful measure. Instead, as the Gordian Study indicates, the appropriate approach is to assess the noise impacts from the VMF in and of itself. This was not done in the EIS; but Gordian has again filled the void and, as set forth in its report [pp. 19-21], the results show that taken by itself, the truck traffic derived from the VMF would put noise levels into the category regarded as "normally unacceptable." The failure of the EIS to take account of these direct impacts of the VMF was and is a major deficiency; and it is all the greater when one considers that if the noise standards now

applicable to new housing construction are extended in the future to overall street noise, the VMF would act as a significant barrier to, if not preclude altogether, the attainment of acceptable noise levels in the surrounding areas [Gordian Study, p. 21]. All of this, however, was ignored in the EIS.

17. And so, too, for all intents and purposes, was the real impact of noise on existing residents in the area. In this connection, the Department of Housing and Urban Development was quick to point out, and the EIS was frank to acknowledge, that the projected noise levels around the VMF were too great to meet the requirements for the proposed air right housing, and, as a consequence, double windows and full-time air conditioning were accepted as essential conditions [EIS, p. III-28]. For existing residents, however, there would be no such protection; they would simply have to suffer the added noise. We respectfully submit that this willingness to let what come may for present residents, when Federal standards define the levels as unacceptable for decent living when assisted projects are involved, has no rationale and constitutes a total disregard of the mandates of NEPA requiring the good faith consideration and balancing of environmental impacts.

18. The same approach also characterized the analysis of air pollutants, other than carbon monoxide, included in the

EIS. Specifically, the EIS acknowledged that the Clean Air Act standards governing hydrocarbon (HC) and nitrous oxide ($NO_x$) concentrations will not be met in the Chelsea area by 1980, even though the required compliance date is 1977; and it further acknowledged that the VMF and its attendant truck traffic would increase the levels of these pollutants, already in violation, even further [EIS, p. II-12; Table III-IV]. Notwithstanding the violations and resulting hazards and, indeed, without seriously addressing them or acknowledging that adverse impacts were involved, the EIS concluded that construction should go forward [see EIS, pp. III-35 and 36]. In effect, the attitude seems to have been that if the VMF was not solely responsible, it did not matter. But if this approach were acceptable, nothing would ever be deemed adverse in isolation, even though in cumulation the impacts would be severe. Fortunately, the courts have made it clear that individual projects cannot be so isolated, but must be evaluated in their setting [e.g., Hanley v. Kleindienst, 471 F.2d 823 (2d Cir. 1972)]; and where, as here, violations of clean air standards were admitted, the obligation was even greater. The EIS did not, however, come to grips with the problem or give the full and good faith consideration that NEPA requires.

19. We also point out that the air pollution analysis included in the EIS was based on the assumption that (A) 29th Street between Ninth and Tenth Avenues would operate two-ways during all but the afternoon rush hours, and (B) traffic in the general area would not increase over present levels. Both of these assumptions were rejected by the New York City Transportation Administration [EIS, Attachment A, Letter of January 10, 1974 from City of New York Transportation Admin.], which controls street closings and certainly has a better knowledge of traffic than the Postal Service. Nonetheless, and notwithstanding the fact that in either event emissions would clearly increase, the Postal Service did not modify its air pollution analysis or otherwise take the criticism into account in the EIS. In this manner, effective NEPA analysis was once again precluded.

The Failure to Consider Reasonable Alternatives and to Take Account of Cost Control

20. The treatment of alternatives in the EIS was haphazard at best and can hardly be deemed to have met the requirements of NEPA as construed by the courts. Indeed, except for the supplemental evaluation of an alternative site across from the planned location, the entire analysis consisted of only five and a half pages, and of these, only one and a half considered alternative facilities [EIS,

Section V, pp. V-2 and 3]. Furthermore, in terms of specifics, the consideration was so conclusory and so characterized by omissions as to be meaningless. In regard to the potential of utilizing scattered site facilities close to local post offices instead of one centralized garage, for example, the EIS acknowledged that "this alternative would further reduce postal vehicle travel," but countered this environmental benefit with conclusory statements about the availability of space at local postal stations, the need for additional back up vehicles and supposed economies of scale in a centralized facility [EIS, p. V-3]. However, no facts were presented to back up the claims, no specifics were given, and nothing else was offered to define the magnitude of the problems, if real. Finally, nothing was said about the possible cost savings, the reduction of pollution and the avoidance of large-scale intrusions on residential areas that might result if scattered site facilities were substituted for the VMF.

21. The failure of the EIS to address alternatives in any meaningful way clearly ran afoul of NEPA, as more fully discussed in our accompanying memorandum of law. But beyond this, in the failure to consider costs--and in this respect, it should be noted that the costs of the VMF itself, much less alternatives, were never mentioned in the EIS--the

Postal Service also ignored its own NEPA regulations which require such information to be included in impact statements [39 CFR §775.6(7)], and most importantly of all, disregarded the requirement of its enabling statute that in the planning and building of new facilities, the control of costs must be emphasized. All of these statutory and regulatory mandates were nowhere reflected in the EIS; and beyond the impact statement, the Postal Service, on information and belief, closed its eyes to another alternative that it knew, or should have known, was available and that offered the opportunity to provide a centralized parking and maintenance facility equal to the VMF but away from any residential community and at costs lower than those for the VMF.

22. Specifically, the annexed affidavits of Sidney Winoker, John Gavin and Ewell M. Finley show that:

A. There is now available for purchase, in the block bounded by 39th and 40th Streets and Eleventh and Twelfth Avenues, an existing truck terminal and maintenance garage that was constructed for the Yale Express System in 1965. The asking price for the building and underlying 40-year ground lease is $8.5 million, and the effective capitalized cost of the lease to the Postal Service would range between

$1.3 and $2.4 million. Thus, the effective total cost of the building and underlying land rights ranges between $9.8 and $10.3 million.

B. The Yale facility does not now have the capacity of the proposed VMF. However, as set forth in the affidavit of Mr. Finley, a consulting engineer who made a study of the Yale Express building as well as the VMF plans, for a cost of approximately $18 million, the Yale garage could be expanded to match the capacity and functions of the proposed VMF. Thus, for a total of $30 million, the Postal Service could have a garage capable of meeting its needs without imposing the VMF on the Chelsea residential community.

23. In contrast to the $30 million that would be needed to purchase and expand the Yale facility, the costs of the VMF, by the Postal Service's own estimates, range between $35-45 million [Defendant's Supplemental Answer to Plaintiffs' First Set of Interrogatories, sworn to November 19, 1974]. Thus, the savings would be substantial with the alternate. Furthermore, the Yale estimates are based on an expansion to 800,000 square feet of floor space--equivalent to that provided in the VMF. However, in the EIS, the Postal Service indicated that its actual needs were only about 600,000 square feet [EIS, p.V-3], and if this were used

as the measure, then we are informed by Mr. Finley that the expansion costs for the Yale facility would be substantially less than $18 million. Finally, there is also reason to believe that the Postal Service VMF estimates, which were issued as a guide to bidding, may themselves be low--a question that should be resolved shortly when the actual bids are received.

24. In any event, the Yale Express facility would appear on its face to involve a sufficient potential for cost savings, as well as the avoidance of further traffic, air pollutants and noise in residential areas, as to have impelled the Postal Service, under both NEPA and the Postal law, to give it detailed consideration. Yet notwithstanding the fact that the Postal Service had been aware, at least since 1973, that Yale was interested in selling the facility [Gavin Affidavit, p.2], the EIS did not mention, much less analyze, this alternative; and when in July 1974, plaintiffs, in conjunction with their formal demand that the Postal Service reverse its decision to proceed with the VMF, asked that the Yale opportunity be considered, they were flatly rejected in a two-paragraph letter which did not even acknowledge the existence of the Yale facility. In taking this cavalier approach and failing then and before to explore such an obvious alternative, the Postal Service

failed of its duties under NPEA and violated the mandate of its own enabling statute that the control of costs be emphasized.

## Violations of the Clean Air Act and Regulations

25. As has already been noted, in accordance with the mandates of the Clean Air Act, the Environmental Protection Agency has established ambient air quality standards that define the maximum permissible concentrations of pollutants that can be tolerated as a matter of public health. These so-called primary standards were originally to be met by 1975, but in the case of New York, the compliance date has been extended to January 1, 1977. By that time, ambient CO concentrates are not supposed to exceed 35 parts per million over any one-hour period or 8 parts per million as an 8-hour average.

26. As has also been indicated, however, the 8-hour CO standard will frequently be violated after 1977 in the Chelsea area, and the traffic generated by the VMF will further increase the concentrations, thereby exacerbating the health hazards. The same situation will likewise pertain to hydrocarbons and nitrous oxides. Yet despite the additive impacts and the resulting continuing violations, the Postal Service intends to proceed. In effect, it would simply ignore the standards. This, however, may not be done. Rather,

as shown in our memorandum of law, where, as here, violations will admittedly occur, the standards established under the Act are directly enforceable. In this case, the VMF and its attendant traffic would add to pollution concentrations in violation of the primary standards, and an injunction should accordingly issue.

27. Nor are the grounds for relief under the Clean Air Act limited to the foregoing. Under regulations promulgated by the State of New York in implementation of the Act, no new parking facilities may now be added in New York County (Manhattan) unless a so-called indirect source permit is first obtained, and such a permit can only issue if the proposed additions will not result in excess pollutant concentrations. The VMF, of course, would add at least 900 parking spaces in Manhattan; yet despite this, the Postal Service has neither sought nor obtained a permit to proceed with the addition. In defense of this failure, the Service apparently contends that as a Federal establishment, it is not bound by State regulations. However, as we show in our memorandum of law, the regulations here involved, being in implementation of the Federal Clean Air Act, are binding on Federal entities. As such, there is no basis for the Postal Service proceeding without the required permit.

## Conclusion

For the foregoing reasons, plaintiffs' motion for an injunction restraining the Postal Service from entering into any contracts for, or otherwise taking any action in commencement or furtherance of, construction of the VMF unless and until it has complied with NEPA and the Clean Air Act should be granted.

Peter A.A. Berle

Sworn to before me this
6th day of January, 1975

Peter J. Millock

Notary Public

PETER J. MILLOCK
Notary Public, State of New York
No. 31-4520903
Qualified in New York County
Certificate filed in New York County
Commission Expires March 30, 1976

MENCHER AFF.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | |
|---|---|
| CHELSEA NEIGHBORHOOD ASSOCIATIONS, PENN SOUTH PARENTS, CHELSEA-ELLIOTT TENANTS ASSOCIATION, COUNCIL FO CHELSEA BLOCK ASSOCIATIONS, KELVIN L. and ELLA MARIE KEAN, BEVERLY RUBIN and FRANCES LOPATIN, | 74 Civ. 3702 (Judge Ward) |
| Plaintiffs, | |
| -against- | AFFIDAVIT |
| UNITED STATES POSTAL SERVICE and E.T. KLASSEN, individually and as Postmaster General, | |
| Defendants. | |

STATE OF NEW YORK )
: ss.:
COUNTY OF NEW YORK )

Simon K. Mencher and Stephen Baum, each being duly sworn, depose and say:

1. This affidavit is submitted at the request of the Chelsea Neighborhood Associations, et al., in connection with their action for an injunction against construction by the U.S. Postal Service of a proposed vehicle maintenance facility ("VMF") in the Chelsea section of New York City. The affidavit is directed to certain air and noise pollution aspects of the VMF and, as noted below, sets forth the conclusions reached by our firm, Gordian Associates, in a report on the VMF commissioned by and submitted to the Environmental Committee of New York

2. Our respective qualifications are as follows:

Simon K. Mencher

I am President of Gordian Associates, Inc. ("Gordian"), an environmental consulting firm with offices at 30 Rockefeller Plaza, New York, New York and in this capacity exercised general supervision over the study of the VMF undertaken by our firm. My qualifications are as follows: I received a Bachelors of Science Degree in Chemical Engineering from Renssellaer Polytechnical Institute in 1956, and a Masters degree in Science from Lehigh University in 1957. Since graduation I have worked in the engineering and technical consulting field both in industry and government. During my career I was manager of Environmental Engineering at the M.W. Kellogg Corporation and from 1967 to 1970 I served as Deputy Commissioner of the Department of Air Resources of the City of New York. I later formed and am president of Gordian Associates since January 1971, and in that capacity, as in earlier work, have specialized in problems of environmental protection.

Stephen Baum

I am executive vice president of Gordian and was project manager for the study of the VMF conducted by the firm. As such, and having reviewed in detail the environmental impact statement prepared in respect of the VMF, I am familiar with

the plans and operations projected for the facility and the likely resulting impacts on air quality and noise. Under my supervision were the technical professionals who developed the detailed information contained in the study. My qualifications are as follows: I have performed and directed assignments related to environmental impacts associated with traffic over the past four years. Prior to joining Gordian Associates I was employed by an engineering firm and by the Federal government in systems analysis. I am a graduate chemical engineer (M.S. Chemical Engineering, M.I.T., 1964). I received a Bachelors of Science in Chemical Engineering in 1962 from Princeton University and an MBA in 1965 from Harvard.

3. Our study, which was completed in December 1974, is annexed hereto as Exhibit A and will be hereinafter referred to as the Gordian Study. In this study, we came to the conclusion that the analysis in the EIS prepared for the postal facility was periously deficient with respect to the air quality and noise impacts (Gordian Study, p. 1).

Air

4. The EIS directs its air pollution analysis, as would be expected, to the permissible concentrations of carbon monoxide that have been established by the U.S. Environmental Protection Agency under the Clean Air Act. Basically, there are two such concentration levels -- the so-called primary standards which

define the levels that must be achieved for minimum health safety, and secondary standards which are more stringent but less pressing to achieve under the Act. It is thus the primary standards that are key for the present.

5. In the EIS for the VMF, there are references to both primary and secondary standards; but in one critical area, the EIS has confused these. Specifically, the standard for permissible 8-hour concentrations for CO -- i.e. 9 parts per million -- is described as a secondary standard [EIS, p. II-7]. In fact, however, the 8-hour standard is both the primary, as well as the secondary standard, and thus is critical today and not in a speculative sense.

6. The importance of the misdescription can be easily appreciated. For example, the EIS, apparently treating the 8-hour standard as secondary, concluded that in the future the standard would be exceeded only during particular adverse traffic and meteorological conditions and therefore was not a significant problem [EIS, p. VIII-19]. But as we pointed out in our report, exactly the opposite is true:

> "The fact that the 8-hour standard will be exceeded during adverse traffic and meteorological conditions at street level is of major significance. The standard requires that it not be exceeded more than once a year, and severe traffic and meteorological conditions (e.g. calm days) occur relatively often in New York City. [Gordian Study, pp. 10-11] (emphasis added).

The deficiency in the EIS treating the 8-hour standard as secondary -- when, as a primary, it may be exceeded no more that once a year -- thus becomes obvious.

7. Of even greater importance, our own studies and analysis, using the modelling techniques employed to produce the U.S. Army Corps results as set forth in our report, evidence the fact that with construction of the VMF, the 8-hour standard could be exceeded in many locations under a number of different traffic and meteorological conditions. In this connection the EIS simply did not present the necessary calculations -- again, perhaps, because of its regarding the 8-hour standard as secondary only.

8.. Our calculations are set out in Exhibits 1 through 10 of the Gordian Study, and most pertinently in Exhibit 10 which gives predicted peak 8-hour concentrations of CO in uncongested and congested traffic conditions both with and without the VMF. As can be seen from that sheet, if the VMF is constructed with no traffic rerouting, then of the 21 street segments surrounding the VMF, 12 would, as of 1980, have CO levels in periods of uncongested traffic flow exceeding the 9ppm primary standard. Further, while our studies indicate that there would be violations in 11 of these cases without the VMF, the VMF would make the situation worse in eight of these instances, and in the other

three it would remain just as bad. Even with the traffic re-routing proposed, i.e., closing 29th Street which is a step not dependent on the VMF, our calculations indicate there would still be nine street segments in the area where the 8-hour standard would be violated. All of this would occur in opposition to the requirement that New York City comply with the primary standards by January 1, 1977.

9. Continuing on, our calculations also show that in periods of congested traffic flow, the level of concentrations of CO exceeds the 9 parts per million level established in the 8-hour standard to an even greater degree than noted above; and here again our calculations indicate that the construction of the VMF facility will cause a further increase in those concentrations [Gordian Study, Exhibit 10].

10. From the foregoing, it is clear, as we state in our report, that the "construction of an additional traffic (and air pollution) generating source in the area [i.e., the VMF] can only be viewed as a further impediment to achievement of the 8-hour national ambient air quality standard for CO." [Gordian Study, pp. 12-13]. It will, in short, exacerbate air quality violations. Yet as already noted, the EIS did not sufficiently describe the impact of the VMF on the achievement of the primary 8-hour standard for CO.

## Noise

11. As a part of our work for the Environmental Committee for Planning Board 4, we also examined the analysis set forth in the EIS regarding the impact of the VMF on noise levels in the community and concluded that it has serious shortcomings [Gordian Study, p. 18]. In particular, the EIS measures the increase in existing noise levels that would be created by the VMF. However, if this type of analysis were always used and increases no greater than a specified amount were always permitted, there would be no limit on the total amount of noise which a community could be subjected to. We believe therefore that the evaluation which takes account only of noise increase -- the procedure used in the EIS -- is inappropriate.

12. The EIS found that noise levels at specific points in the area already exceed levels [Gordian Study, p. 18-19] that would be considered acceptable under Federal Department of Housing (HUD) and Federal Highway Administration (FHWA) design standards. In addition, while the EIS presented estimates of the relative increase in noise levels that would result from the heavy truck traffic associated with the VMF, it did not separately estimate the absolute noise levels associated with the increased traffic. We made such estimates and found that noise levels deriving from the project alone would be very high and would violate the standards established by FHWA and HUD [Gordian Study, p. 20]. Consequently, we conclude that operation

of the proposed VMF would act as a significant barrier to achieving in the future acceptable noise levels in the area of the VMF.

Simon K. Mencher

Baum

Sworn to before me this
3rd day of January, 1975.

Notary Public

PETER A. A. BERLE
Notary Public, State of New York
No. 31-0263005
Qualified in New York County
Certificate filed in New York County
Commission expires March 30, 1975

# A REVIEW OF THE FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE U.S. POSTAL SERVICE MANHATTAN VEHICLE MAINTENANCE FACILITY INCLUDING COMPOSITE EFFECTS OF OTHER PROJECTS IN CHELSEA-CLINTON

Prepared For
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X-1

BOROUGH OF MANHATTAN
Percy E. Sutton, President

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Representative, Borough President's Office

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Mary Helen Snowden
Jay Watkins Strouss
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Carolyn Meinhardt  Rowena Doyel

significance. The standard requires that it not be exceeded more than

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## 1.0 SUMMARY OF TECHNICAL ANALYSIS AND COMMUNITY CONCERNS

This study was undertaken by Community Planning Board #4 at the request of the Environmental Committee. The principal purposes of the study were 1) to review the environmental impact statement (EIS) prepared by the U.S. Army Corps of Engineers for the U.S. Postal Service Vehicle Maintenance Facility (VMF) and combined multi-story housing project proposed for the Chelsea-Clinton area of New York City, and 2) to make a qualitative assessment of potential interactions between the VMF and other projects such as the Convention Center proposed for the area.

The report goes further than this and examines potential interactions between other projects in the area and the Convention Center and recommends new reporting and administrative requirements to ensure proper evaluation of future projects.

### 1.1 Summary of Technical Analysis

In reviewing the EIS prepared by the Corps of Engineers, this study focused on the analyses presented in the Corps' report with respect to air and noise quality impacts because of their potential significance and technical complexity. It is the conclusion of this study that both analyses presented in the Corps' report are seriously deficient.

The Corps' report does not take adequate recognition of the requirements imposed by the national ambient air quality standard for maximum 8-hour carbon monoxide (CO) concentrations. The Corps' report labels the 8-hour standard as a "secondary" standard and presents very little analysis of maximum 8-hour CO levels for the area. The 8-hour standard is in fact

both a "primary" and "secondary" standard and presently is required to be met in New York City by January 1, 1977. Estimates developed in this report and corroborated by other studies (e.g., the EIS for the West Side Highway project) show that in the area of the proposed VMF, residents will be exposed to CO levels which violate the 8-hour CO standard unless drastic reductions in existing area traffic levels are brought about. Construction of the VMF would, therefore, appear to be in direct violation of the intent of the Clean Air Act of 1970. On July 9, 1974 the U.S. Environmental Protection Agency promulgated a rule* which should be applied to the VMF:

> "...[the revised rule] requires disapproval of a facility which would either cause a new violation or exacerbate any existing violation of a carbon monoxide standard..."

Since current ambient air quality in Chelsea-Clinton already violates the Federal standard for carbon monoxide, and since the VMF would exacerbate the unsatisfactory condition, the project should be disapproved.

The noise assessment presented in the Corps' report evaluates the noise impact on area residents in terms of detectable increases in existing noise levels. This evaluation procedure appears to be quite inappropriate in this case, as the Corps' report itself clearly states that existing noise levels are unacceptably high for residential areas. Estimates developed in this study show that the noise levels associated with the VMF induced traffic would alone (not counting existing noise levels) result in violation of Federal Highway Administration design noise standards for residential areas and fall into the "normally unacceptable" category established by the U.S. Department of Housing and Urban Development.

Also see p 16 [illegible]

Finally, our review of the numerous projects planned for the area indicates a basic need for a comprehensive long range development policy

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* Federal Register, Vol. 39, No. 132, Tuesday, July 9, 1974.

and planning procedure for the community. Current procedures which analyze each project as if it were independent of other projects encourage piecemeal deterioration of environmental quality. A framework is needed which will permit evaluation of each project in the context of other projects and in light of the additional burden placed by each project on impact reduction measures (e.g., traffic control plans) that must be applied to the community to achieve a desirable environment.

## 1.2 Summary of Community Concerns

The community is concerned that approval of the VMF will worsen air pollution in the area to the extent of continued violations of the 8-hour carbon monoxide standard. They are concerned that this is predicted to occur even if City and Federal programs are successful in their schedule for emission controls.

The community is also concerned that approval of the VMF will add a noise source which itself violates standards and makes more costly any future reduction in what are already unacceptable noise levels.

The above concerns arise from predictions which assume successful government programs, linear behavior of motorists, accurate estimates of traffic growth, and proper design and operation of facilities. The community is concerned that these assumptions may fail and the impacts may be quite real. Of greatest concern are the following:

a) Delays in emission control

b) Delays in noise code adoption

c) Secondary effects not modelled

d) Hazards of design and operation of the VMF

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The above concerns arise from predictions which assume successful government programs, linear behavior of motorists, accurate estimates of traffic growth, and proper design and operation of facilities. The community is concerned that these assumptions may fail and the impacts may be quite real. Of greatest concern are the following:

a) Delays in emission control

b) Delays in noise code adoption

c) Secondary effects not modelled

d) Hazards of design and operation of the VMF

a) Delays in Emission Control

Our predictions assume that the schedule for emission controls on cars and trucks will be achieved. That is, the violations of air quality standards were predicted despite scheduled improvement in traffic exhausts. There is evidence to believe that the improvement in auto emissions may be delayed for several years. In addition, there is no Federal requirement for the truck emissions to be cleaned up and New York City may not be successful in its bid to control truck emissions.

The consequences of such delay are continuation of current CO violations (West Side Highway studies indicate current ambient 8-hour levels of 26 ppm at 9th Avenue near 29th Street) aggravated by the VMF-induced traffic.

b) Delays in Noise Code Adoption

Even the VMF assessment by the Corps categorizes noise levels in the community as normally unacceptable. Though we expect standards to be developed and enforced, the current approach is to allow small relative contributions even though individual projects generate more than the standards allow. Chelsea-Clinton is an area of considerable street-level activity. Noise is therefore a serious impact on the community. If New York City delays in adopting and enforcing noise standards, a continuing list of projects may be built and the ability to achieve a reduction in noise in the future may be greatly impaired.

c) Secondary Effects Not Modelled

The models used to predict air quality and noise use linear



EXHIBIT 7

(Table I-1)

ANTICIPATED POSTAL VEHICLE MOVEMENTS—

3 Peak 8-hour CO emissions from traffic in the area were calculated

approximations of traffic movement. The community is concerned that major congestion beyond that assumed in the mod.. will create unhealthy conditions. This is particularly threatening in view of the large traffic sources in the area (Lincoln Tunnel, Convention Center, Port Authority Bus Terminal) which could produce failures in traffic movement.

The Convention Center, as modelled, does not appear to generate traffic which overlaps with traffic from other major projects such as the VMF.* Yet it is conceivable that there will arise food distribution centers and other service facilities to supply the Convention Center. These facilities may generate substantial truck traffic in the Chelsea-Clinton community. These effects are called "secondary effects" because they do not result from traffic generated by the primary facility (e.g., the Convention Center building).

It is a promotional feature of the Convention Center that it will generate jobs and economic development beyond its immediate activity. The community is concerned that the costs of this benefit have not been adequately modelled. There may be substantial additional traffic with its effect on air pollution, noise, and disruption of community activities.

The disruption of community activities may be more subtle than air pollution impacts. Outdoor markets, street-level recreation, and enjoyment of parks and other community facilities may no longer be possible as the new traffic necessitates changes in parking controls, traffic routing and other factors.

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* with the exception of the Superliner Piers (see Section 5)



3 Peak 8-hour CO emissions from traffic in the area were calculated

d) Hazards of Design and Operation of the VMF

Our studies indicate that ventilation of garage facilities can usually overcome any problems with air quality standards. Nonetheless, if the exhaust of the garage ventilating system is improperly placed or improperly designed it can create health hazards. The community is concerned that apartments at upper floors will suffer such hazards with the current design.

In summary, the Chelsea/Clinton community is concerned that a number of projects will worsen air pollution and noise beyond the estimates provided in traditional studies. Further, the technical analysis supports the contention that some projects which appear to have relatively small impact, may be substantially reducing the likelihood of achieving environmental standards in the future.

# 2.0 INTRODUCTION

## 2.1 Why This Review Was Undertaken

A large number of projects is planned for and underway in Chelsea-Clinton that will have significant impacts on the character of that part of the city.

One of the projects of immediate concern to residents of Chelsea-Clinton is the proposed U.S. Postal Service vehicle maintenance facility and combined multi-story housing project. In order to understand better the impacts described in the environmental impact statement prepared by the U.S. Army Corps of Engineers for this project, Community Planning Board #4 engaged Gordian Associates to review the adequacy of the EIS analyses with respect to the major environmental impacts of the proposed VMF, including potential interactions of the VMF with other projects proposed for the area.

## 2.2 Scope of the Analyses

The Corps of Engineers' report addresses many areas of potential environmental impact. Of these, two principal areas, air and noise pollution, were chosen for comprehensive review because these areas have direct effects on the health of residents in the community, because they are quantitative benchmarks for environmental quality, and because their analyses tends to be the most technically complex and, therefore, the least easily understood.

In addition to this review of air and noise pollution impacts associated with operation of the proposed VMF itself, a separate section of this report addresses the related question of how environmental impact statements

should be prepared in an area such as Chelsea-Clinton where a number of major projects can be in the planning and approval stages at the same time and where there is a need to take into account adequately the cumulative impacts of each project on each other and on the residents of the community.

## 2.3 How the Analysis Was Done

The review presented in this report of the Corps of Engineers' analyses of air and noise pollution impacts is directed at the methodology followed by the Corps in developing each analysis. The scope of the review did not extend to an appraisal of the appropriateness of basic data (e.g., traffic projections) underlying the air and noise quality analyses.

## 3.0 ANALYSIS OF IMPACT ON AIR QUALITY

### 3.1 Background

The potential impact of the proposed vehicle maintenance facility on local air quality is attributable to the increased motor vehicle traffic in the area associated with operation of the VMF. The most significant impact of the proposed facility on local air quality would be on the attainment and maintenance of the national ambient air quality standards for carbon monoxide (CO).

This part of the report reviews the impact the proposed facility would have on local levels of CO. The national standards for CO, which must be met in New York City by January 1, 1977, are as follows:

| Time Period Hours | Standard Parts Per Million, ppm |
|---|---|
| One-hour maximum | 35 |
| Eight-hour maximum | 9 |

### 3.2 Review of the Analysis Done for the Army Corps of Engineers

#### 3.21 The 1-Hour CO Standard

The 1-hour standard of 35 ppm is the standard most frequently referred to in the Corps of Engineers' report. The Corps' report discusses present violations of the 1-hour CO standard and states that concentrations of CO can be expected to fall below the 1-hour standard by 1980 because of motor vehicle control measures required under the Clean Air Act. In Section VIII, (page 19), the report states: "In 1980 it is expected that the 1-hour CO standard of 35 ppm, including

all CO sources in the Chelsea area, will not be exceeded."

Gordian Associates agrees with the Corps of Engineers' methodology for drawing this conclusion and is in general agreement with the conclusion itself as it applies to the Chelsea-Clinton area, subject, however, to successful completion of city air quality implementation plans.

3.22 The 8-Hour CO Standard

Of the two standards for CO, it is usual in urban areas for the 8-hour standard to be the most difficult standard to meet and it is, therefore, normally the controlling standard.

Very little analysis is presented in the Corps of Engineers' study, however, with regard to the impact the proposed VMF would have on achievement of the 8-hour CO standard. The study, in fact, (Section II, page II-7), states that the 8-hour standard is only a secondary standard. This statement which gives the impression that the 8-hour standard is not as important as the 1-hour standard is not correct. The value of 9 ppm for the 8-hour standard serves as both a primary and secondary standard as does the value of 35 ppm for the 1-hour standard. Both the 1- and 8-hour standards are equally important.

The major conclusion that the Corps of Engineers' report draws concerning the 8-hour standard is found in Section VIII (page VIII-19), and in referring to the Chelsea area, the report states: "The 8-hour standard, which is currently frequently violated, will [in the future] be exceeded only during particular adverse traffic and meteorological conditions and only at street level very close to major traffic arteries."

The fact that the 8-hour standard will be exceeded during adverse traffic and meteorological conditions at street level is of major



of the 8-hour national ambient air quality standard for CO.

The calculations presented above were based as much as possible on

significance. The standard requires that it not be exceeded more than once a year, and severe traffic and meteorological conditions (e.g., calm days) occur relatively often in New York City. As no numbers are presented in the Corps of Engineers' report showing what impact the proposed VMF would have on the 8-hour CO standard in the Chelsea-Clinton area, Gordian Associates has prepared additional calculations to estimate the extent of potential violations of the 8-hour CO standard. These calculations are discussed in the next section.

### 3.3 Calculation of Peak 8-Hour CO Concentrations

Estimation of the impact of operation of the proposed VMF on 8-hour CO levels in the Chelsea-Clinton area were developed as follows (all basic data used in these calculations were taken from the Corps of Engineers' report):

1. Existing peak 8-hour traffic volumes in the area were estimated as 80% of present peak 1-hour traffic volumes,* and are shown in Exhibit 2. Estimates of peak 1-hour traffic volumes were obtained from Tables B-1 and B-2 in the Corps of Engineers' report. These tables are reproduced here as Exhibits 3 and 4. Exhibit 1 is also taken from the Corps of Engineers' report and shows the different roadway segments in the area of the proposed VMF.

2. Changes in existing peak 8-hour traffic volumes in the area were estimated as shown in Exhibit 5. These estimates were based on data presented in Tables B-4 and I-1 of the Corps of Engineers' report. These tables are reproduced here as Exhibits 6 and 7, and show estimated peak-hour traffic changes due to the proposed development and anticipated hourly postal vehicle movements during an average weekday.

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* Based on traffic volumes and time distributions in Exhibit 3.

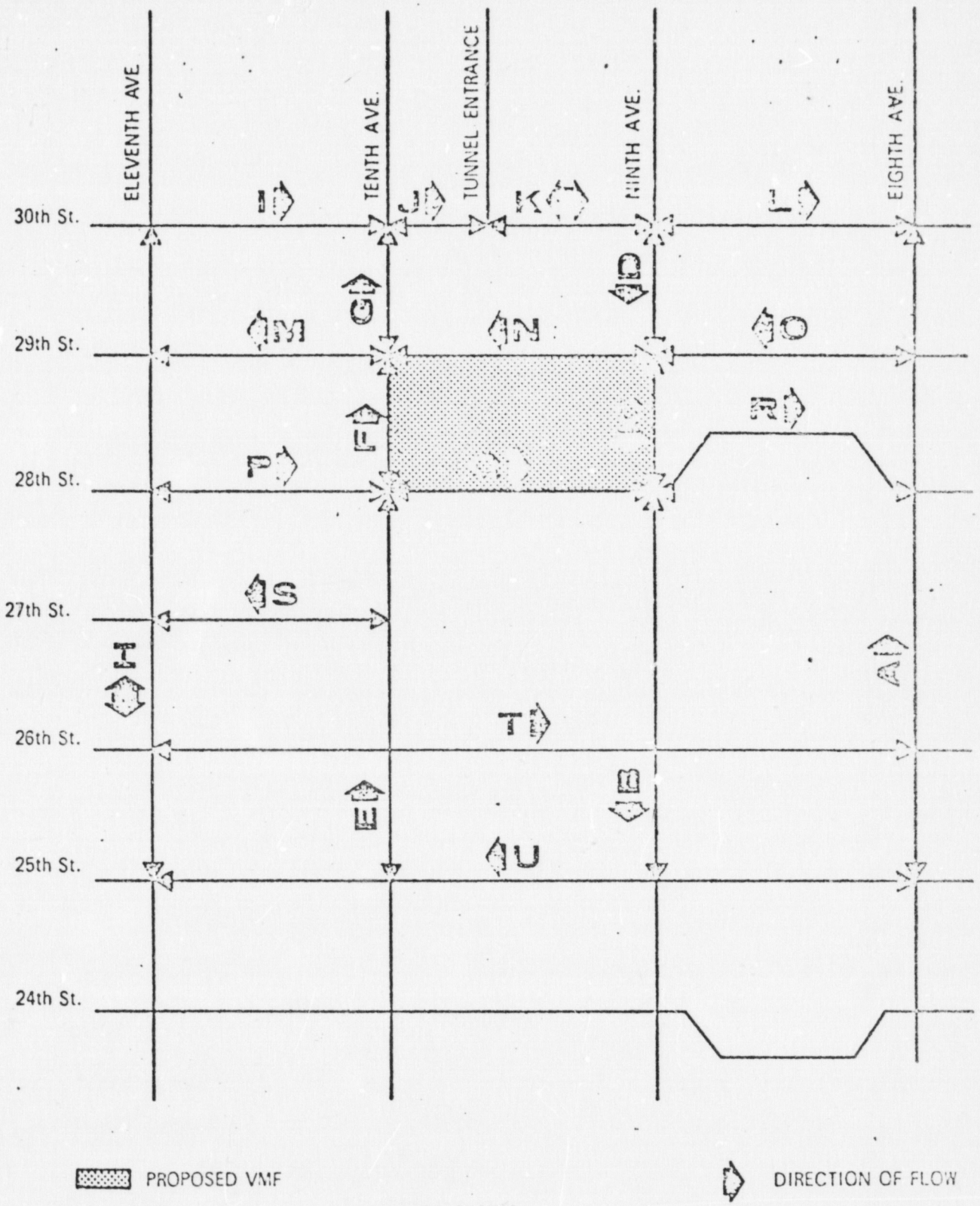


EXHIBIT 1

# STREET SEGMENT KEY MAP

EXHIBIT 2

EXISTING 8-HOUR TRAFFIC VOLUMES
(All Units in Vehicles/Hour)

| LINE SEGMENT | TOTAL VEHICLES ON SEGMENT | AUTOMOBILES ON SEGMENT | TRUCKS & BUSES ON SEGMENT | |
|---|---|---|---|---|
| | | | GASOLINE POWERED | DIESEL POWERED |
| A | 1360 | 1156 | 177 | 27 |
| B | 1360 | 979 | 340 | 41 |
| C | 1440 | 1030 | 317 | 43 |
| D | 1280 | 960 | 282 | 38 |
| E | 1120 | 728 | 336 | 56 |
| F | 1080 | 702 | 324 | 54 |
| G | 1440 | 1008 | 360 | 72 |
| H | 720 | 504 | 180 | 36 |
| I | 240 | 165 | 65 | 10 |
| J | 640 | 483 | 128 | 19 |
| K | 840 | 647 | 168 | 25 |
| L | 160 | 123 | 32 | 5 |
| M | 160 | 90 | 67 | 3 |
| N | 520 | 390 | 120 | 10 |
| O | 600 | 450 | 138 | 12 |
| P | 200 | 138 | 56 | 6 |
| Q | 200 | 150 | 46 | 4 |
| R | 280 | 227 | 50 | 3 |
| S | 80 | 52 | 26 | 2 |
| T | 240 | 194 | 43 | 2 |
| U | 320 | 269 | 48 | 3 |

## EXHIBIT 3

(Table B-1)

WEEKDAY AVERAGE HOURLY TRAFFIC VOLUMES

| Time | Ninth Ave. | Tenth Ave. | 28th Street | 29th St. |
|---|---|---|---|---|
| 6-7 A.M. | 700 | 400 | 50 | 200 |
| 7-8 | 1,600 | 900 | 150 | 50 |
| 8-9 | 1,700 | 950 | 250 | 350 |
| 9-10 | 1,700 | 950 | 250 | 400 |
| 10-11 | 1,600 | 950 | 250 | 450 |
| 11 A.M.-12 P.M. | 1,450 | 1,000 | 200 | 450 |
| 12-1 | 1,400 | 1,000 | 200 | 400 |
| 1-2 | 1,350 | 1,100 | 200 | 450 |
| 2-3 | 1,350 | 1,100 | 200 | 500 |
| 3-4 | 1,350 | 1,200 | 200 | 600 |
| 4-5 | 1,400 | 1,400 | 200 | 650 |
| 5-6 | 1,400 | 1,400 | 200 | 650 |
| 6-7 | 1,150 | 1,050 | 100 | 400 |
| 7-8 | 1,000 | 650 | 100 | 250 |
| 8-9 | 800 | 450 | 50 | 150 |
| 9-10 | 700 | 300 | 50 | 100 |
| 10-11 | 800 | 300 | 50 | 150 |
| 11 P.M.-12 A.M. | 650 | 300 | 50 | 100 |
| 12-6 A.M. (Average) | 350 | 200 | 20 | 50 |

000 Peak Traffic Periods

Count Locations: Ninth Avenue and Tenth Avenue between 25th and 26th Sts. 28th and 29th Streets between Ninth Avenue and Tenth Ave.

EXHIBIT 4

(Table B-2)

AVERAGE WEEKDAY PEAK HOUR TRAFFIC--EXISTING

| Street Segment | Dir. | A.M. Peak Hour Total Vehicles | A.M. Peak Hour % Trucks and Buses Gas | A.M. Peak Hour % Trucks and Buses Diesel | P.M. Peak Hour Total Vehicles | P.M. Peak Hour % Trucks and Buses Gas | P.M. Peak Hour % Trucks and Buses Diesel |
|---|---|---|---|---|---|---|---|
| A | NB | 1,200 | 15 | 2 | 1,700 | 10 | 2 |
| B | SB | 1,700 | 25 | 3 | 1,400 | 25 | 3 |
| C | SB | 1,800 | 25 | 3 | 1,500 | 20 | 3 |
| D | SB | 1,600 | 25 | 3 | 1,400 | 20 | 3 |
| E | NB | 900 | 40 | 6 | 1,400 | 20 | 5 |
| F | NB | 900 | 40 | 6 | 1,350 | 20 | 5 |
| G | NB | 1,100 | 35 | 5 | 1,600 | 20 | 4 |
| H | NB) SB) | 900 | 30 | 5 | 900 | 20 | 4 |
| I | EB | 300 | 35 | 3 | 300 | 20 | 3 |
| J | EB | 400 | 35 | 3 | 800 | 15 | 3 |
| K | EB) WB) | 1,050 | 35 | 3 | 700 | 15 | 3 |
| L | EB | 700 | 35 | 3 | 500 | 15 | 3 |
| M | WB | 150 | 45 | 1 | 200 | 40 | - |
| N | WB | 350 | 20 | 1 | 650 | 25 | 2 |
| O | WB | 550 | 20 | 2 | 750 | 25 | - |
| P | EB | 250 | 35 | 2 | 150 | 20 | 3 |
| Q | EB | 250 | 30 | 1 | 200 | 15 | 4 |
| R | EB | 350 | 20 | 1 | 300 | 15 | 1 |
| S | EB | 50 | 35 | 2 | 100 | 30 | 2 |
| T | EB | 300 | 20 | 1 | 250 | 15 | 1 |
| U | WB | 200 | 15 | - | 400 | 15 | 1 |

- Negligible.

provide the L1 level for that hour.

EXHIBIT 5

PEAK 8-HOUR TRAFFIC ASSOCIATED WITH VMF/PMC/APARTMENTS
(All Units in Vehicles/Hour)

| LINE SEGMENT | VMF/ PMC | APARTMENTS | TOTAL |
|---|---|---|---|
| A | 15 | - | 15 |
| B | 10 | 12 | 22 |
| C | 10 | - | 10 |
| D | 40 | - | 40 |
| E | 10 | 12 | 22 |
| F | 10 | - | 10 |
| G | 20 | - | 20 |
| H | - | 5 | 5 |
| I | 5 | - | 5 |
| J | - | - | - |
| K | - | - | - |
| L | - | - | - |
| M | 5 | - | 5 |
| N | 50 | - | 50 |
| O | 15 | - | 15 |
| P | - | 5 | 5 |
| Q | - | 40 | 40 |
| R | - | 12 | 12 |
| S | - | - | - |
| T | - | - | - |
| U | - | 5 | 5 |

EXHIBIT 6

(Table B-4)

ESTIMATED PEAK-HOUR TRAFFIC CHANGES DUE TO PROPOSED DEVELOPMENT

| Street Segment | VMF-PMC | | Apartment | | Non-Postal Traffic Diversion | |
|---|---|---|---|---|---|---|
| | A.M. | P.M. | A.M. | P.M. | A.M. | P.M. |
| A | - | 25 | - | - | - | - |
| B | 15 | | 30 | 15 | 70 | - |
| C | 15 | | - | - | 70 | - |
| D | 15 | 50 | - | - | (50) | - |
| E | 15 | | 10 | 40 | - | - |
| F | 15 | | - | - | - | - |
| G | 15 | 15 | - | - | (250) | (130) |
| H | - | - | - | 20 | (50) | - |
| I | - | 10 | - | - | - | - |
| J | - | - | - | - | (50) | (30) |
| K | - | - | - | - | - | - |
| L | - | | - | - | - | - |
| M | - | 10 | - | - | (100) | (20) |
| N | * | 70 | - | - | (350) | (150) |
| O | - | 25 | - | - | (200) | (150) |
| P | - | - | - | 20 | - | - |
| Q | - | - | 10/60 | 60/30 | - | - |
| R | - | - | 30 | 15 | - | - |
| S | - | - | - | - | - | - |
| T | - | - | - | - | - | - |
| U | - | - | - | 10 | 50 | 20 |

*Postal vehicles only - volume varies within segment; see Table B-3 for total movements.

(00) Indicates estimated traffic reduction on segment due to 21st Street restrictions; all other values indicate traffic increase due to proposed development.

- Negligible

4.2 Review of the Analysis Done for the Corps of Engineers

EXHIBIT 7

(Table I-1)

ANTICIPATED POSTAL VEHICLE MOVEMENTS—
AVERAGE WEEKDAY

| Time | To/From (Total) City Streets | | Between VMF & PMC Only |
|---|---|---|---|
| | VMF Traffic | PMC Traffic | |
| 12-1 A.M. | 44 | 43 | 16 |
| 1-2 | 26 | 35 | 8 |
| 2-3 | 28 | 37 | 8 |
| 3 | 30 | 33 | 16 |
| 4 5 | 71 | 52 | 12 |
| 5-6 | 183 | 54 | 32 |
| 6-7 | 201 | 37 | 22 |
| 7-8 | 150 | 40 | 36 |
| 8-9 | 24 | 31 | 28 |
| 9-10 | 22 | 35 | 16 |
| 10-11 | 26 | 37 | 12 |
| 11-12 P.M. | 28 | 37 | 10 |
| 12-1 | 32 | 37 | 14 |
| 1-2 | 40 | 32 | 20 |
| 2-3 | 112 | 32 | 20 |
| 3-4 | 98 | 37 | 36 |
| 4-5 | 68 | 18 | 2 |
| 5-6 | 68 | 21 | 2 |
| 6-7 | 68 | 22 | 2 |
| 7-8 | 91 | 53 | 28 |
| 8-9 | 116 | 59 | 16 |
| 9-10 | 97 | 68 | 34 |
| 10-11 | 69 | 86 | 34 |
| 11-12 A.M. | 68 | 87 | 32 |
| TOTALS | 1,760 | 1,023 | 464 |

and the evaluation procedure used in the Corps' report, therefore, appears

3. Peak 8-hour CO emissions from traffic in the area were calculated using the estimates of peak 8-hour traffic volumes and the vehicle emission rates from Table C-1 of the Corps of Engineers' report. The calculated peak 8-hour CO emissions are shown in Exhibit 8. Table C-1 is reproduced here as Exhibit 9. The emission values used correspond to those expected for 1980.

4. Peak 8-hour CO concentrations along each street segment (as identified in Exhibit 1) in the area of the proposed VMF were estimated by first multiplying the peak 8-hour CO emissions shown in Exhibit 8 by the ratio found in the Corps of Engineers' report for worst case 1-hour CO emissions along 29th Street (34.1 mg/m/sec -- page C-26) and resulting ground level CO concentrations (22 ppm -- Figure C-4) and then adding in the background level CO concentration of 5.8 ppm used in the Corps of Engineers' report (Section III, page 18). The calculated peak 8-hour CO concentrations are shown in Exhibit 10.

Exhibit 10 shows predicted peak 8-hour CO concentrations along the street segments in the area for: 1) existing traffic flows, 2) with VMF-PMC traffic and that associated with the proposed Air Rights Housing and no closing of 29th Street, and 3) with closing of 29th Street to nonpostal traffic. All three cases are shown for conditions of uncongested and congested traffic flows and for vehicle emission rates expected in 1980.

As can be seen there are a number of locations in the immediate vicinity of the proposed VMF which it appears would be in direct violation of the 8-hour CO standard--whether or not the VMF was built. It would, therefore, seem that construction of an additional traffic (and air pollution) generating source in the area can only be viewed as a further impediment to achievement



following section.

exposure levels, the breaking point between "normally acceptable" and "nor-

## EXHIBIT 8

### PREDICTED PEAK 8-HOUR CO EMISSIONS
(All Units in mg/m-sec)

| LINE SEGMENT | UNCONGESTED FLOW | | | CONGESTED FLOW | | |
|---|---|---|---|---|---|---|
| | EXISTING TRAFFIC WITHOUT PROJECT | WITH PROJECT | WITH PROJECT & CLOSING 29 ST | EXISTING TRAFFIC WITHOUT PROJECT | WITH PROJECT | WITH PROJECT & CLOSING 29 ST |
| A | 8.68 | 8.40 | 8.90 | 12.97 | 13.31 | 13.31 |
| B | 13.27 | 13.45 | 14.00 | 20.66 | 20.93 | 21.76 |
| C | 12.84 | 12.95 | 13.50 | 19.86 | 20.09 | 20.94 |
| D | 11.42 | 12.00 | 11.63 | 17.67 | 18.56 | 17.49 |
| E | 12.56 | 12.74 | 12.74 | 19.70 | 19.97 | 19.97 |
| F | 12.11 | 12.26 | 12.26 | 19.01 | 19.29 | 19.24 |
| G | 14.14 | 14.43 | 11.45 | 21.47 | 22.43 | 17.81 |
| H | 7.07 | 7.08 | 6.71 | 10.96 | 10.98 | 10.41 |
| I | 2.49 | 2.58 | 2.58 | 3.90 | 4.01 | 4.01 |
| J | 5.33 | 5.33 | 4.69 | 8.19 | 8.19 | 7.19 |
| K | 7.01 | 7.01 | 7.01 | 10.79 | 10.79 | 10.79 |
| L | 1.34 | 1.34 | 1.34 | 2.04 | 2.04 | 2.04 |
| M | 2.31 | 2.38 | 1.46 | 3.69 | 3.80 | 2.38 |
| N | 4.78 | 5.51 | 1.62 | 7.42 | 8.56 | 2.52 |
| O | 5.50 | 5.72 | 2.97 | 8.53 | 8.87 | 4.60 |
| P | 2.12 | 2.13 | 2.13 | 3.32 | 3.34 | 3.34 |
| Q | 1.82 | 1.93 | 1.93 | 2.85 | 2.99 | 2.99 |
| R | 2.15 | 2.18 | 2.18 | 3.30 | 3.34 | 3.34 |
| S | 0.94 | 0.94 | 0.94 | 1.49 | 1.49 | 1.49 |
| T | 1.82 | 1.82 | 1.82 | 2.82 | 2.82 | 2.82 |
| U | 2.21 | 2.22 | 2.77 | 3.34 | 3.36 | 4.21 |

EXHIBIT 9

(Table C-1)

VEHICLE EMISSION RATES[1]
(Grams per Mile)

| | Uncongested Flow[2] | | | Congested Flow[3] | | |
|---|---|---|---|---|---|---|
| | HC | CO | $NO_x$ | HC | CO | $NO_x$ |
| Autos | | | | | | |
| 1970 | 14.8 | 114.0 | 6.4 | 18.2 | 130.9 | 6.4 |
| 1980 | 1.5 | 15.5 | 1.1 | 1.8 | 19.5 | 0.7 |
| Gasoline Powered Trucks (over 3 Tons) | | | | | | |
| 1970 | 49.0 | 325.3 | 7.6 | 69.5 | 534.9 | 7.6 |
| 1980 | 31.2 | 176.6 | 6.5 | 42.8 | 290.4 | 6.4 |
| Diesel Trucks and Buses | | | | | | |
| 1970 and 1980 | 20.0 | 35.4 | 67.5 | 21.6 | 38.9 | 72.8 |

(1) Based on tables in Appendix II of the Proposed Plan for Meeting Federal Air Quality Standards Relating to Carbon Monoxide, Hydrocarbons, Nitrogen Oxides and Oxidants in New York City, New York City Department of Air Resources, Bureau of Motor Vehicle Pollution Control, January 1972.

(2) Average speed of 12 mph for autos and gas powered trucks; 7 mph for diesel units.

(3) Average speed of 4 mph for gas powered trucks and diesel units; 7 mph for autos.

Exhibit 13 presents traffic data at the locations

of the 8-hour national ambient air quality standard for CO.

The calculations presented above were based as much as possible on information presented in the Corps of Engineers' report. It should be noted that the base year chosen for analysis in that report was 1980 and that New York City is presently required to comply with the national ambient air quality standards by January 1, 1977.

The evaluation presented in the report by the Corps of Engineers and the numbers presented here in Exhibit 10, therefore, understate the concentrations expected in earlier years when the effect of motor vehicle emission control devices would be less than in 1980.

Based on motor vehicle emission characteristics reported in the New York City Metropolitan Area Air Quality Implementation Plan Transportation Controls, April 1973, the mutiplier factors that should be applied for earlier years to the concentrations presented in Exhibit 10 are:

| Year | Multiplier Factor |
|---|---|
| 1977 | 1.40 |
| 1978 | 1.23 |
| 1979 | 1.09 |

If account were taken of the legislation passed this month (June 1974) by Congress delaying full implementation of the motor vehicle emission control requirements for another 1-2 years, these factors (as would the 1980 concentrations) be from 3 to 5% higher. In any event, it can be easily seen that these factors would significantly increase the concentrations predicted under the assumption of 1980 conditions. This is important if the opening date for the proposed VMF is before 1980. The concentrations that are controlling under the requirements of the Clean Air Act should be those in the facility's first year of operation.



further to ensure that it was).

In terms of potential interactions between other projects in the area, Exhibit 13 presents traffic data at two locations where interactions bet-

EXHIBIT 10

PREDICTED PEAK 8-HOUR CO AMBIENT AIR CONCENTRATIONS
(All Units in PPM)

| LINE SEGMENT | UNCONGESTED FLOW | | | CONGESTED FLOW | | |
|---|---|---|---|---|---|---|
| | EXISTING TRAFFIC WITHOUT PROJECT | WITH PROJECT | WITH PROJECT & CLOSING 29 ST | EXISTING TRAFFIC WITHOUT PROJECT | WITH PROJECT | WITH PROJECT & CLOSING 29 ST |
| A | 11.4 | 11.5 | 11.5 | 14.2 | 14.4 | 14.4 |
| B | 14.4 | 14.5 | 14.8 | 19.1 | 19.3 | 19.8 |
| C | 14.1 | 14.2 | 14.5 | 18.6 | 18.8 | 19.3 |
| D | 13.2 | 13.5 | 13.3 | 17.2 | 17.6 | 17.4 |
| E | 13.9 | 14.0 | 14.0 | 18.5 | 18.7 | 18.7 |
| F | 13.6 | 13.7 | 13.7 | 18.1 | 18.2 | 18.2 |
| G | 14.4 | 15.1 | 13.2 | 20.1 | 20.4 | 17.3 |
| H | 10.4 | 10.4 | 10.1 | 12.9 | 12.9 | 12.5 |
| I | 7.4 | 7.5 | 7.5 | 8.3 | 8.4 | 8.4 |
| J | 9.2 | 9.2 | 8.8 | 11.1 | 11.1 | 10.4 |
| K | 10.3 | 10.3 | 10.3 | 12.8 | 12.8 | 12.8 |
| L | 6.7 | 6.7 | 6.7 | 7.1 | 7.1 | 7.1 |
| M | 7.3 | 7.3 | 6.7 | 8.2 | 8.3 | 7.1 |
| N | 8.9 | 9.4 | 6.8 | 10.0 | 11.3 | 7.3 |
| O | 9.3 | 9.5 | 7.7 | 11.3 | 11.5 | 8.8 |
| P | 7.5 | 7.5 | 7.5 | 7.9 | 8.0 | 8.0 |
| Q | 7.0 | 7.0 | 7.0 | 7.6 | 7.7 | 7.7 |
| R | 7.2 | 7.2 | 7.2 | 7.9 | 8.0 | 8.0 |
| S | 6.4 | 6.4 | 6.4 | 6.8 | 6.8 | 6.8 |
| T | 7.0 | 7.0 | 7.0 | 7.6 | 7.0 | 7.0 |
| U | 7.2 | 7.2 | 7.6 | 8.0 | 8.0 | 8.5 |

A brief discussion of other limitations of the Corps of Engineers air quality analysis and the estimates of peak 8-hour CO concentrations presented above is included as Appendix A.

## 4.0 ANALYSIS OF IMPACT ON NOISE LEVELS

### 4.1 Background

This part of the report reviews the impact that operation of the proposed VMF would have on noise levels in the Chelsea-Clinton area and how these changes would affect existing residents.

Before proceeding with this analysis, it is helpful to briefly review some of the technical language associated with the measurement of noise levels. Noise levels are usually referred to in decibels; this is a relative scale in which the threshold of hearing is defined as zero decibels and abbreviated as 0 dB. In measuring noise levels a frequency weighting scale, called the "A" scale, is usually used which corresponds to the response of the human ear. Noise levels measured in this scale are expressed in dBA. The noise level (L) in dBA of any sound is determined by the expression:

$$L(\text{dBA}) = 10 \log \frac{\text{Intensity of particular sound}}{\text{Intensity of sound at threshold of hearing}}.$$

As the decibel scale is logarithmic, doubling the sound intensity (i.e., adding an additional noise source equal to that already present) raises the sound level (no matter what it is) by 3 dBA. Such an increase is in fact just about the lower limit that human hearing can detect.

In characterizing the quality of the noise environment it is customary to distinguish between different noise exposure levels, e.g.,

$L_1$ = That sound level to which one is exposed more than 1% of the time. This is characteristic of intrusive noises, e.g., a steam whistle which blows for 36 seconds every hour (36/3600) may



necessary even though the specific additions to the list are not yet known.

provide the L1 level for that hour.

$L_{10}$= That sound level exceeded 10% of the time. This is the usual level used to characterize traffic noises.

$L_{33}$= That sound level exceeded one third of the time. This value is important because U.S. Department of Housing and Urban Development (HUD) noise standards for external exposures at new construction sites are expressed as noise levels to be exceeded for not more than 8 hours per 24-hour period, i.e., $L_{33}$ values for a full day.

$L_{50}$= That sound level exceeded 50% of the time. This is the average noise level because half the time the sound level is above this value and half the time, below this value.

$L_{90}$= That sound level exceeded 90% of the time. This is the defining ~~level for~~ the ambient or background noise level.

There are at the present time no ambient noise standards in New York City equivalent to the ambient air quality standards.* It is reasonable to expect, however, that such standards will be established in New York City within the next several years.**

Standards adopted by such organizations as HUD and the Federal Highway Administration (FHWA) provide a relatively good idea of what is generally considered acceptable and unacceptable noise levels for residential areas and what New York City standards might look like in the future. (The Federal standards are currently being applied to new projects in New York City where Federal monies are involved.)

The FHWA exterior noise standard for residential areas requires that

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* See Appendix B for dBA levels associated with examples of different noise sources.

** The City of New York Local Law No. 57, Noise Control Code, Article 6, charges the Administrator of the City EPA to submit ambient noise quality zones for the entire city to the City Council in 1974.



3. In particular, traffic studies should establish sensitive sites

the $L_{10}$ value for the loudest hour of the day not exceed 70 dBA.*

The four categories of external noise exposure levels established by HUD as interim standards for new construction sites are:**

1) Unacceptable: noise level exceeds 80 dBA for 60 minutes per 24 hours
or
noise level exceeds 75 dBA for 8 hours per 24 hours

(Exemptions are strongly discouraged and require the HUD Secretary's approval.)

2) Discretionary - Normally Unacceptable: noise level exceeds 65 dBA for 8 hours per 24 hours
or
loud repetitive sound on site

(Approvals require noise attenuation measures and the HUD Regional Administrator's concurrence.)

3) Discretionary - Normally Acceptable: noise level does not exceed 65 dBA more than 8 hours per 24 hours

4) Acceptable: noise level does not exceed 45 dBA more than 30 minutes per 24 hours

HUD has also established interim standards for interior noise exposure levels. The most restrictive of these is probably the one that requires night-time (11:00 pm-7:00 am) noise levels not to exceed 45 dBA for more than 30 minutes in areas where people are sleeping. Assuming open windows (as is likely during summer) this roughly translates into an equivalent exterior noise exposure requirement of 55-60 dBA for no more than 30 minutes during the period 11:00 pm-7:00 am.***

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* FHWA Policy and Procedure Memorandum 90-2, "Noise Standards and Procedures," February 8, 1973.

** HUD Department Circular 1390.2, "Noise Abatement and Control: Department Policy, Implementation Responsibilities and Standards," August 4, 1971, Change 1, September 1, 1971.

*** Based on the 10-15 dBA difference between measured indoor and outdoor noise exposure levels shown in Figure II-9 of the Corps' report.

## 4.2 Review of the Analysis Done for the Corps of Engineers

The assessment presented in the Corps of Engineers' report with respect to the acceptability to existing area residents of the noise levels that would be caused by the proposed VMF is made in terms of the increase in noise levels attributable to the project:

| Assessment | Increase in L10 | Comment |
|---|---|---|
| No impact | less than 6 dBA | very little comment or individual reaction expected |
| Some impact | 6 to 15 dBA | some individual comment expected, but no group action likely |
| Great impact | above 15 dBA | strong individual comment and group action expected |

While this is a commonly used evaluation technique, it has serious shortcomings. The clear consequence of a philosophy such as this that requires that any new noise intruding in an environment be controlled only to the extent compatible with the existing ambient is a gradual upward creep in environmental noise in 6 dBA steps. It presents the community with the prospect of ever increasing noise levels. As stated in the NCHRP report 117*, "This process may not elicit too much response from the affected communities--until, of course, such time as the environment becomes unacceptable...".

Data presented in the Corps of Engineers' report clearly shows that the noise environment in the area of the proposed VMF has already become unacceptable,

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* Highway Noise: A Design Guide for Highway Engineers, NCHRP Report 117, 1971.

and the evaluation procedure used in the Corps' report, therefore, appears inappropriate.

In addition, if ambient noise level standards are to be adopted in New York City in the near future, then ways will need to be found to reduce existing noise levels in areas such as the proposed site to more acceptable levels. Therefore, it would seem logical that any project that is proposed for such areas should be reviewed from the point of view of how that project would affect the achievement of standards that might desirably be set.

To take an extreme example, if a project by itself would result in violation of such standards (e.g., FHWA or HUD standards) it would seem reasonable that there be strong reservations concerning the acceptability of such a project--even if it were to be judged acceptable under the evaluation procedure used in the Corps of Engineers' study.

Similarly, it would also appear logical to have strong reservations over approving any new noise sources in areas which already have unacceptably high noise levels.

With respect to present noise levels, the Corps of Engineers' report clearly shows (Figure II-7 and Tables E-1, E-2, and E-3) that noise levels in the vicinity of the proposed VMF presently fall into the categories established by HUD as either "unacceptable" or "normally unacceptable" and also violate FHWA design noise levels for residential areas.

As no estimates are specifically presented in the Corps' report of the absolute noise levels attributable to the traffic associated with operation of the VMF itself, estimates of these levels were developed by Gordian to see if operation of the proposed VMF would significantly affect the possibility of some day reducing noise levels in the area to more acceptable levels. The procedure used to develop these estimates is discussed in the



been to ratio away from 1-hour CO concentrations along each individual

following section.

4.3 Calculation of Noise Levels Associated with VMF-PMC Truck Traffic Alone

The period of greatest total postal vehicle activity would be between the hours of 5-7 am; the period of peak heavy duty truck traffic associated with operation of the proposed VMF would be between the hours of 10 pm-12 pm. As stated in the Corps of Engineers' report, these are normal sleep periods and critical for the assessment of VMF-PMC traffic noise impacts.

For example purposes, projected L1 and L10 values attributable solely to the heavy duty VMF-PMC truck traffic during these hours are shown below for two separate locations along 9th Avenue (same locations as in the Corps' report):

| TIME PERIOD | HEAVY DUTY TRUCKS PER HOUR | 60 FEET FROM SOURCE (P.S. 33) | | 200 FEET FROM SOURCE (PENN STATION SOUTH) | |
|---|---|---|---|---|---|
| | | L1 | L10 | L1 | L10 |
| 5 am-6 am | 38 | 83.5 | 77.5 | 75.5 | 71 |
| 6 am-7 am | 28 | 83 | 76.5 | 75 | 70 |
| 10 pm-11 pm | 65 | 84.5 | 78.5 | 76.5 | 72 |
| 11 pm-12 am | 70 | 84.5 | 78.5 | 76.5 | 72.5 |

The above values of L1 and L10 are based on Figures III-4 and III-5 in the report by the Corps of Engineers. As can be seen the noise levels associated with the VMF-PMC truck traffic alone during these critical periods would be very high and would violate the FHWA standard of L10 equal to a maximum of 70 dBA for residential areas. They would also violate the HUD night time requirement for acceptable interior noise exposures (as discussed before, roughly equivalent to exterior levels of 55-60 dBA for no more than 30 minutes).

Looking at the HUD noise standards specifically geared to external noise

exposure levels, the breaking point between "normally acceptable" and "normally unacceptable" is 65 dBA exceeded for eight or more hours per 24-hour period. To obtain estimates of noise levels associated solely with VMF-PMC traffic over a comparable period of time, estimated values of L33.3 as a function of truck volume are presented in Exhibit 11. The L33.3 values presented were extrapolated from the measured L10 levels shown in Exhibit III-5 of the Corps' report by first calculating the difference between L10 and L50 according to the method presented in NCHRP 117 and then assuming a normal distribution for interpolating L33.3.

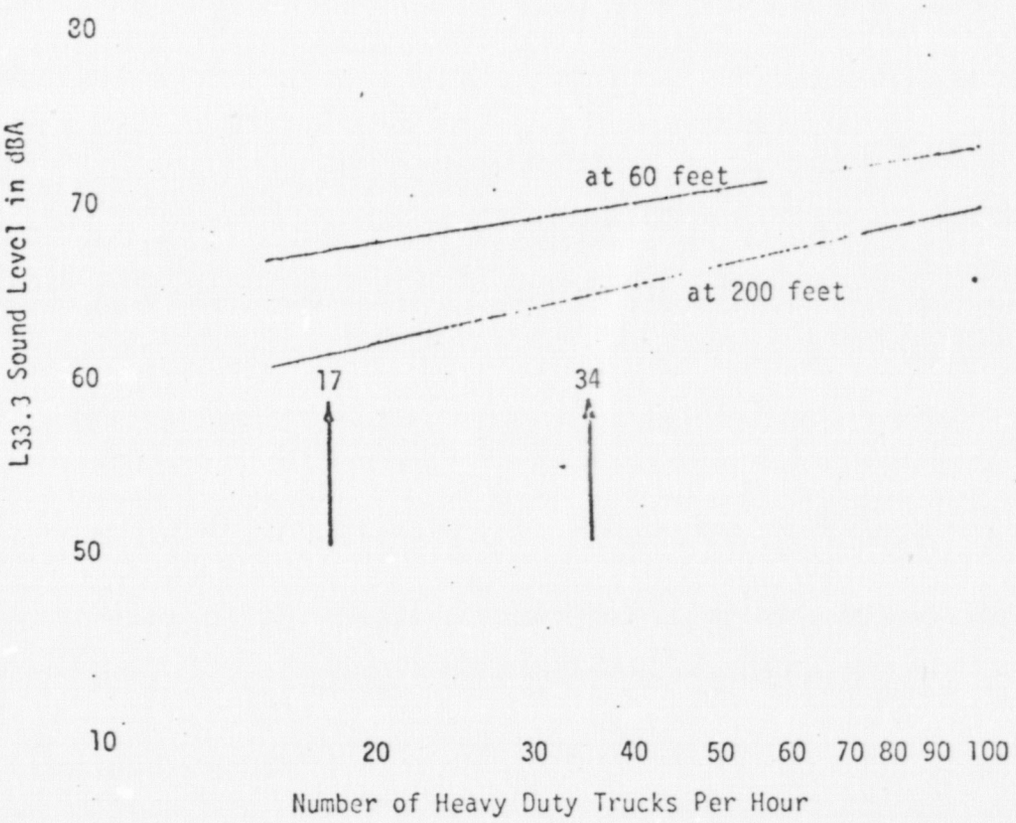
From Table B-3 of the Corps' report, the average number of heavy duty truck trips generated per hour by the VMF-PMC would be 68 over the period of a whole day. (If trips between the VMF and PMC were also included, another 19 trips per hour would be added to this figure.)

Assuming the trips are equally divided between Ninth and Tenth Avenues, a value of 34 trips/hour represents a simple average of the VMF-PMC induced heavy duty truck traffic along the two avenues. Even taking into account that some of this traffic would be coming to and some would be going away from the facility and would, therefore, not be strictly additive along each avenue, except at 29th Street, Exhibit 11 shows that any new heavy duty truck traffic of this order of magnitude would by <u>itself</u> put noise levels in the area into or close to regions viewed by HUD as "normally unacceptable."

Operation of the proposed VMF would, therefore, act as a significant barrier to some day achieving acceptable noise levels in the area of the proposed VMF.

EXHIBIT 11

HEAVY TRUCK TRAFFIC VS. $L_{33.3}$ SOUND LEVELS



## 5.0 EVALUATING MULTIPLE PROJECTS

### 5.1 Background

In the previous two sections of the report, the environmental impacts associated with the proposed VMF were reviewed. The environmental impacts associated with other major projects proposed for the Chelsea-Clinton area are, of course, also of concern to the community. Of particular concern is the need to adequately take into account in the design and evaluation of proposed projects the cumulative or composite effects of these projects upon one another and the character of the community.

In the discussion presented below, potential interactions of the major projects now being planned and underway in the Chelsea-Clinton area are reviewed, and recommendations are made from the point of view of ensuring proper coordination of future projects.

### 5.2 Review of Potential Interactions Between Current Major Projects

A listing of new traffic generating projects in the Chelsea-Clinton area is presented in Exhibit 12. As can be seen, with one or two exceptions, the projects are fairly far apart and the traffic associated with them is relatively small. The greatest interaction is that between the traffic from the Convention Center and Superliner Piers. This is due to their proximity to each other and to the fact that these two projects do generate significant amounts of vehicle movements.

It appears from reading the draft EIS for the Convention Center that traffic associated with operation of the Superliner Piers was taken into account in the traffic analysis performed for the Convention Center (this is not always clearly stated in the report, and would be worth checking

## EXHIBIT 12

### ESTIMATED PEAK 8-HOUR TRAFFIC VOLUMES GENERATED BY CURRENT PROJECTS IN CHELSEA-CLINTON

| PROJECT | LOCATION | ASSOCIATED PARKING (Vehicles) | ESTIMATED PEAK 8-HOUR TRAFFIC MOVEMENTS-VPH |
|---|---|---|---|
| Parc Vendome Housing | 56 & 57 Streets btwn 8 & 9 Avenues | 450 | 50 |
| Starrett Housing | 8 Avenue btwn 53 & 54 Streets | N.A. | 20-30 |
| HRH Housing | 42 & 43 Streets btwn 9 & 10 Avenues | 1000 | 100 |
| Clinton Urban Renewal | btwn 50 & 55 Streets & 10 & 11 Avenues | 296 | 20-30 |
| Superliner Piers | btwn 48 & 52 Streets West of 12 Avenue | 1000 | 250 |
| Convention Center | 43 & 47 Streets West of 11 Avenue | 2000 | 1600 |
| VMF | 29 Street btwn 9 & 10 Avenues | 918 | 100 |
| VMF Apartments | 29 Street btwn 9 & 10 Avenues | 160 | 40 |

further to ensure that it was).

In terms of potential interactions between other projects in the area, Exhibit 13 presents traffic data at two locations where interactions between other projects and the Convention Center are most likely. The extent of these interactions is very small in absolute terms. This can also be seen from Exhibit 14, which shows the percent of CO emissions contributed by vehicles from different sources at these two locations. Interactions at other locations between other projects listed in Exhibit 12 should be even less due to their smaller size.

Our brief analysis indicates that, with few exceptions, the current list of projects planned or underway for the Chelsea-Clinton area is not likely to generate significant composite contributions to peak 8-hour traffic volumes or to peak 8-hour CO emissions.

There are ways, however, in which the current list might lead to significant impacts for which the community is not protected by Federal standards.

First, the traffic patterns described in assessments of current projects are generally based on the assumption of a least-time-of-travel path to be followed by traffic to and from the projects. The assessments provide no sensitivity analyses of what might happen to the lesser streets of the community if at peak hours there is congestion of main avenues. Such congestion--which is probably a function of traffic and parking control--may change the routes taken by cross-town and by short-distance travelers, including trucks as well as cars. If so, there may be a significant effect on residential streets for periods less than 8 hours. What may happen, for example, is a back-up of traffic from the Lincoln Tunnel and the Port Authority Bus Terminal into the areas within the community.

Second, there is no clear analysis in the EIS for the Convention Center or the West Side Highway of the "secondary impacts" of these projects. For

EXHIBIT 13

COMPOSITE TRAFFIC IMPACTS OF
SELECTED CHELSEA-CLINTON PROJECTS

LOCATION: 42nd Street between 9th and 10th Avenues

TIME PERIOD: Peak 8-Hours, 10 A.M.-6 P.M., Monday or Tuesday

| SOURCE | AUTO VPH | TAXIS VPH | HEAVY TRUCKS/BUSES VPH |
|---|---|---|---|
| Existing Traffic* | 750 | 95 | 190 |
| Convention Center* | 95 | 340 | 75 |
| HRH Housing** | 10-100 | --- | --- |
| VPF/PMC | --- | --- | --- |

LOCATION: 11th Avenue between 45th and 46th Streets

TIME PERIOD: Peak 8-Hours, 10 A.M.-6 P.M., Monday or Tuesday

| SOURCE | AUTO VPH | TAXIS VPH | HEAVY TRUCKS/BUSES VPH |
|---|---|---|---|
| Existing Traffic* | 860 | 115 | 280 |
| Convention Center* | --- | 140 | 35 |
| HRH Housing** | --- | --- | --- |
| VMF/PMC | --- | --- | 10 |

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* Draft Environmental Impact Report for the NYC Convention Center

** Office of Mid-Town Planning and Development

## EXHIBIT 14

### COMPOSITE IMPACT OF VEHICLE CO EMISSIONS FROM SELECTED CHELSEA-CLINTON PROJECTS (Peak 8-Hours)

LOCATION: 42nd Street between 9th and 10th Avenues

| MOTOR VEHICLE EMISSION CHARACTERISTICS* | SOURCE EMISSIONS AS % OF TOTAL CO EMISSIONS | | | |
|---|---|---|---|---|
| | EXISTING | CONVENTION CENTER | HRH | VMF/PMC |
| Greatest likely | 67.2-70.2 | 27.9-29.2 | 0.6-4.9 | - |
| Most likely | 71.9-75.2 | 23.2-24.3 | 0.5-4.9 | - |
| Least likely | 72.7-75.7 | 22.8-23.8 | 0.5-4.5 | - |

LOCATION: 11th Avenue between 45th and 46th Streets

| MOTOR VEHICLE EMISSION CHARACTERISTICS | SOURCE EMISSIONS AS % OF TOTAL CO EMISSIONS | | | |
|---|---|---|---|---|
| | EXISTING | CONVENTION CENTER | HRH | VMF/PMC |
| Greatest likely | 88.5 | 10.5 | - | 1.0 |
| Most likely | 90.7 | 8.2 | - | 1.1 |
| Least likely | 90.8 | 8.1 | - | 1.1 |

* Draft Environmental Impact Report of NYC Convention Center, Table 1-1, page 1-7.

example, the Convention Center is expected to result in a ripple of new business development in the area. If such development includes service establishments which generate additional truck deliveries or passenger trips they may add sufficient congestion to inhibit the current pattern of open air sidewalk shopping. If the Center requires new points of supply and distribution outside the area--for example a central food distribution center south of 14th Street--new patterns of deliveries will be added to the current traffic.

Third, the community still has a certain degree of freedom in directing traffic patterns away from parks and other recreation areas near which it may wish to minimize noise, air pollution, and other types of hazards. As secondary impacts are not easily subject to control because of their dispersed nature, the Convention Center, for example, may induce development of many small service facilities or may create new concentrated patterns of traffic into Chelsea-Clinton, these will reduce the degree of freedom to direct the designation of truck routes or the amount of traffic on side streets near parks and schools.

Fourth, the change in character of the community is brought about not only by significant single projects but also by accumulation of smaller impacts over a long span of time. The noise impact analysis earlier in this report illustrated the deficiency in examining impacts on a relative basis--allowing small noise sources now makes the task of abating noise later disproportionately difficult. Only by establishing long term objectives can the community measure the desirability of current projects. The current list should be subjected to the test of future objectives for traffic, noise, air quality, etc.

Finally, some analysis beyond the <u>current</u> list of projects may be

necessary even though the specific additions to the list are not yet known. As an example, will the VMF satisfy its service demand without further expansion at a later date? How does the VMF fit in the context of mail facilities in Manhattan? In this instance the VMF may be fairly examined by itself. In other instances, a single government facility may require an examination of the broader government plan for other such facilities. The courts have already held--in a case involving nuclear reactors--that there are instances when the entire system of facilities must be assessed for its impact. Similarly, commercial projects on the current list should be viewed in the context of overall growth in the area.

## 5.3 Recommendations for Improved Planning

There is clearly a need for more sophisticated analyses of composite and secondary impacts in Environmental Impact Statements. There is also a need for change in the administrative proceedures which provide for critical review of projects.

### 5.31 Recommendations for EIS Content

1. Projects which generate more than a given level of traffic should be required in their EIS to be subjected to analysis of composite traffic patterns as illustrated in Section 5.2, and the impact of any significant interactions.

2. Traffic studies for such projects should be required to include a description of the assumptions which were used to establish the distribution of traffic generated by the project on the road network in the area; the description should include an analysis of what alternative distribution would emerge if traffic controls do not work exactly as planned.



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3. In particular, traffic studies should establish sensitive sites where a change in "service level" could impact community activities (school crossings, shopping areas, etc.).

4. Each project should be identified as a single entity or as part of a plan for additional installations.

5. If the project is expected to have secondary impacts, these should be specifically analyzed and discussed.

5.32 Recommendations for Administrative Changes

1. Any EIS for a major facility should be reviewed in the context of long range planning, jointly by the appropriate city planning office and representatives from the Community Board.

2. Any facility which generates more than a given limit of vehicle traffic, or which contributes more than 10% of any relevant ambient standard should be subject to Community Board review for its composite effects and for its effects on sensitive areas in the community.



(212) OXFORD 7-6453

FRED J. CARUSONA

# APPENDIX A

## Additional Limitations of the Air Quality Analysis Performed by the Corps of Engineers and Limitations of the Peak 8-Hour CO Estimates Developed by Gordian Associates

## A.1 Additional Limitations of the Air Quality Analysis in the Corps of Engineers' Report

The following comments are addressed only to the analysis in the Corps of Engineers' report with respect to CO. As no results of diffusion modeling are presented in the Corps' report with respect to the project's impact on peak 8-hour CO concentrations, these comments are addressed to the analysis presented in the report on the calculation of 1-hour CO concentrations.

1. The wind direction was assumed perpendicular to the road in the calculations presented. It seems likely that a wind direction chosen nearly parallel to the road would result in higher concentrations than those reported.
2. Canyon diffusion modeling, which takes into account the effect on diffusion of buildings on both sides of a road, was only performed for one location (29th Street), and this was not the location where highest CO concentrations are likely to occur. These are likely to occur as indicated in Exhibit 10 along the avenues.

## A.2 Limitations of Peak 8-Hour CO Estimates Developed by Gordian Associates

The estimates presented in Exhibit 10 of this report for peak 8-hour CO concentrations in the area of the proposed VMF were developed as explained in Section 3.3 by ratioing away from the worst 1-hour CO concentrations presented in the Corps of Engineers' report for 29th Street, rather than at this time undertaking an entirely new diffusion analysis from fundamentals.

The principal approximation involved in this approach was that the conditions along 29th Street were used as a basis to estimate 8-hour concentrations along other road segments. A more desirable procedure would have

been to ratio away from 1-hour CO concentrations along each individual road segment. This was not possible, however, as results of canyon diffusion modeling which takes into account the effect of buildings along each roadway segment, were only presented in the Corps' report for 29th Street.

While this approximation method is obviously not completely exact, it should yield reasonable answers. Corroboration of the high values of CO predicted can be found in the Westside Highway Project EIS (page 243) which estimates that peak 8-hour CO concentrations in the area of the proposed VMF (e.g., Ninth Avenue between 27th and 28th Streets) will still be violated in the year 1995.

## APPENDIX B

dBA Levels Associated With Typical Noise Sources

| | | |
|---|---|---|
| | 135 - 140 dBA | acute pain threshold |
| jet takeoff at 200' | 118 dBA | |
| air compressor at 3' | 110 dBA | |
| paving breaker at 3' | 105 dBA | |
| | 95 dBA | discomfort threshold |
| train noise: subway platform | 90 - 98 dBA | |
| some food blenders | 88 dBA | |
| | 85 dBA | hearing impairment if continuous |
| car horn at 50' | 82 - 102 dBA, depending on type of horn | |
| heavy midtown traffic | 80 - 85 dBA | |
| prohibits telephone conversation | 75 dBA | annoyance threshold |
| vacuum cleaner at 10' | 70 dBA | |
| speech interference | 65 dBA | |
| electric typewriter at 10' | 64 dBA | |
| normal conversation | 50 - 60 dBA | |
| average home | 50 dBA | quiet |
| optimum sleeping level | 35 dBA and less | |

WINOKER AFF.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | |
|---|---|
| CHELSEA NEIGHBORHOOD ASSOCIATIONS, PENN SOUTH PARENTS, CHELSEA-ELLIOTT TENANTS ASSOCIATION, COUNCIL FO CHELSEA BLOCK ASSOCIATIONS, KELVIN L. and ELLA MARIE KEAN, BEVERLY RUBIN and FRANCES LOPATIN, | 74 Civ. 3702 (Judge Ward) |
| Plaintiffs, | |
| -against- | AFFIDAVIT |
| UNITED STATES POSTAL SERVICE and E.T. KLASSEN, individually and as Postmaster General, | |
| Defendants. | |

STATE OF NEW YORK )
: ss.:
COUNTY OF NEW YORK )

Sidney Winoker, being duly sworn, deposes and says:

1. I am a licensed real estate broker in the State of New York. I maintain offices at 501 Fifth Avenue, in New York City. I am a member of the firm of Weissman-Winoker Real Estate Inc. My firm was retained by the Yale Express System, Inc. ("Yale Express") to sell its property located at 460 Twelfth Avenue, New York, New York ("the Yale Building").

2. As set forth in the annexed affidavit of John Gavin, vice president and secretary of Yale Express (Exhibit A), the Yale building is a trucking garage containing approximately

400,000 square feet of space, plus further parking space on the roof. Yale is offering this building for sale at a price of $8.5 million, together with a ground lease which extends for 40 years. Mr. Gavin's affidavit also indicates that it is possible to extend the ground lease to 75 years--a period which would exceed the useful life of any trucking garage situated on this or any other site.

3. It is my judgment that the capitalized cost of the lease to a tenant who purchased the building would be $2,365,000 in the event that the tenant had to pay real estate taxes on the property. If, as a net lessor, the Postal Service is exempt from real estate taxes, the capitalized cost to it would be $1,335,000. My judgment is based on my own experience and is confirmed by the analysis of J. Clarence Davies, in his letter of December 31, 1974 to John Gavin, Vice President and Secretary of Yale Express (Exhibit B). Mr. Davies is a professional appraiser, a member of the American Institute of Real Estate Appraisers and American Society of Real Estate Counselors whose qualifications accompany his letter.

4. Adding the asking price of the Yale building to the capitalized cost of the lease to a tenant, the effective total cost of the facility ranges between $9.8 and $10.8 million.

5. My affidavit annexed as Exhibit C indicates that the property on the 11th Avenue end of the block where the Yale facility is located is also for sale and the asking price is $1.2 million. In my judgment it is highly likely that purchase could be effected at a lower figure. However taking the asking price and assuming any excess would cover the small adjacent leasehold, the effective cost of assembling the entire block, with the existing Yale building, would be no more than $12 million.

6. Finally annexed hereto as Exhibit D is an affidavit from Ewell W. Finley, a consulting engineer. Mr. Finley studied the Postal Service plans for the VMF at 29th Street and the existing Yale building. He concluded that the Yale building could be modified to fulfill essentially the same functions as the VMF for a total cost of approximately $18 million. Thus for a total cost of $30 million the Postal Service would have a garage capable of meeting its needs without requiring the construction of a completely new building. Since we understand the estimated cost of the VMF to be $35-45 million, the savings would be substantial.

Sworn to before me this
6th day of January, 1975.

Notary Public

Notary Public, State of New York
Qualified in Kings County
Certificate filed in New York County
Commission Expires March 30, 1976

AFFIDAVIT

COUNTY OF HUDSON )
: SS.:
STATE OF NEW JERSEY )

JOHN GAVIN, being duly sworn, hereby deposes and says:

I am a vice president and the secretary of Yale Express System, Inc. ("Yale Express"). I make this affidavit to provide certain information about the building at 460 Twelfth Avenue, New York, New York ( the "Yale Building") and about efforts to sell that building to the United States Postal Service (the "Postal Service").

The Yale Building covers the entire east side of Twelfth Avenue between 39th and 40th Streets, and extends approximately 675 feet east on 39th Street and approximately 550 feet east on 40th Street. The principal portion of the Yale Building, which was completed in December 1964, is a two-story truck terminal with parking on the roof of the second story and an adjoining eight-story loft and office building. In total, the Yale Building contains approximately 400,000 square feet of space. Its truck terminal facilities include 68 truck bays.

The Yale Building was originally constructed by Yale Express to be used by it as a combination truck and freight forwarding terminal, warehouse and executive office. In May 1965, however, Yale Express commenced proceedings under Chapter X of the Bankruptcy Act. Shortly after this the Trustee in Reorganization decided the facilities in the Yale Building were far too extensive for Yale Express. Accordingly, he moved Yale Express out of the Yale Building and began to lease space in the building to various tenants.

Z

Among the tenants to whom space in the Yale Building was leased was the Postal Service (previously the United States Post Office Department). Initially, the Postal Service leased the majority of the two truck terminal floors in the Yale Building. However, at the present time, the Postal Service is leasing substantially all of the first six floors of the Yale Building. During the time the Postal Service has been leasing space in the Yale Building, it has caused substantial alterations and improvements to be made to the Yale Building in order to adapt it to the special needs of the Postal Service. These alterations and improvements were paid for by the Postal Service.

The Yale Building stands on land leased by Yale Express from Francis S. Appleby, The Chase Manhattan Bank, (National Association) and Francis S. Appleby, Co-Trustees under the will of Edger T. Appleby, and Four P[illegible] Corporation. The present lease expires on April 30, 2014. Yale Express is presently required to pay rent of $100,000 per year for the ground, as well as all taxes and similar charges related to the property. In 1975 and every seventh year thereafter the rent is to be revised to a new rent which, unless otherwise agreed will be 7% of the appraised value of the land (without taking account of the building or other improvements).

In or before 1972, F. Ralph Nogg, who was then the Trustee in Reorganization of Yale Express, began discussing with representatives of the Postal Service the possibility of Yale Express' selling the Yale Building to the Postal Service. Late in 1972, the reorganization of Yale Express under the Bankruptcy Act was completed, and control of the corporation was returned to its Board of Directors. Shortly thereafter, I was asked to attempt to arrange a sale of the Yale Building if such a sale could be accomplished at an acceptable price. In February 1973, I had my first discussion with representatives of the Postal Service about the possibility that the Postal

Service would buy the Yale Building. Subsequently Yale Express retained Weissman & Winoker Real Estate, Inc., a firm of real estate brokers, to assist in the efforts to sell the Yale Building. On several occasions since then, Alfred Weissman and/or I have met with representatives of the Postal Service to discuss a possible sale of the Yale Building to the Postal Serive.

At the most recent meeting with representatives of the Postal Service, held early in December 1974, it was proposed that Yale Express sell its leasehold interest in the Yale Building to the Postal Service for $8,500,000. Without commenting on the price, the representatives of the Postal Service informed Mr. Weissman the Postal Service would not want to occupy the Yale Building unless either (a) the Postal Service could buy the fee interest in the land or (b) the ground lease could be revised to extend its term and to insure a maximum rent increase at each period of renegotiation.

It is very difficult for Yale Express to attempt either to purchase the ground under the Yale Building (thus enabling Yale Express to convey the fee to the Postal Service) or to renegotiate the ground lease unless and until Yale Express is informed whether the Postal Service is interested in acquiring the Yale Building and the price it is willing to pay. However, on December 5, 1974, I met with the attorney for the owners of the ground under the Yale Building to institute preliminary discussions about purchase of the ground or revision of the ground lease. As a result of that meeting, on December 19, 1974, the attorneys for the owners of the fee interest sent me a letter, a copy of which is attached as Exhibit A to this affidavit, indicating that at least one of his clients was willing to extend the ground lease for a period not to exceed 75 years and to provide that no renegotiation of the ground lease rent would result in an increase of more than 10%. If such an arrangement were made, the term of the ground lease would extend approximately to 2050, and the Postal Service would be

assured that the ground rent even in the last seven years of the lease would not exceed $259,340 per year.

Yale Express continues to be very much interested in the possibility of selling the Yale Building to the Postal Service if an appropriate price can be agreed upon. Yale Express has not yet received a response to its proposal, made in December 1974, to sell the building to the Postal Service for $8,500,000. When and if Yale Express is told the Postal Service is interested in pursuing the matter, Yale Express will resume its efforts to purchase the ground under the Yale Building or to renegotiate the ground lease.

John Gavin

Sworn to before me this

31st day of January, 1975.

Notary Public

NOTARY PUBLIC OF NEW JERSEY
My Commission Expires December 6, 1977

(212) OXFORD 7-6453

FRED J. CARUSONA
ATTORNEY AT LAW
501 FIFTH AVENUE
NEW YORK, N. Y. 10017

December 19, 1974

Mr. John Gavin
Vice-President- Secretary
Yale Express System, Inc.
215 County Avenue
Seacaucus, New Jersey 07094

Re: Yale Express System, Inc.
Appleby Group Lease
460 Twelfth Ave.
New York, N.Y.

Dear Mr. Gavin:

On December 5, 1974 we had a meeting at 460 Twelfth Ave., New York City. Among other subjects, we discussed the importance of:

1. A new long term ground lease between the parties landlord and Yale Express System, Inc. or,

2. At least an extention and modification of the present ground lease for a period of 99 years.

In addition, you have requested a provision for negotiated annual net rental every 10 years instead of every 7 years and a provision that in the event the Landlord and Tenant shall not be able to agree upon the annual net rental for any period, then the annual net rental shall not be more than 8% in excess of the annual net rental paid during the last preceeding period.

As I informed you by telephone on December 19, 1974, this matter has been brought to the attention of the parties landlord, my clients. Unfortunately, one of the landlords has been very ill, and although he has been made aware of the situation, a full discussion and participation by him has not been possible.

Notwithstanding, I have been authorized by one of the principal parties to make you aware of the following:

1. A new ground lease for a period not to exceed 75 years would appear to be agreeable.

EXHIBIT A

(212) OXford 7-6453

FRED J. CARUSONA
ATTORNEY AT LAW
501 FIFTH AVENUE
NEW YORK, N. Y. 10017



2. Net annual rental shall be negotiated every 7 years as provided for in the present lease.

3. During each period of the lease, the net annual rental shall be agreed upon between the Landlord & Tenant with a provision that the annual net rental for a current period shall not be less than that of the preceeding period nor shall it be more than 10% in excess of the annual net rental fixed for the preceeding period. In other words, there would be a 10% ceiling provided for in each period for which annual net rental was to be agreed upon and fixed.

The above is submitted for your consideration and subject to the approval of all the parties landlord.

Very truly yours,

Fred Carusona

FRED J. CARUSONA, Attorney
For The Parties Landlord

FJC:pc

c/c to:

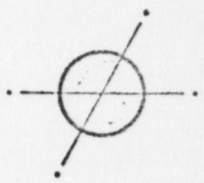
Francis S. Appleby, Esq.

Four Plus Corporation

J. CLARENCE DAVIES, INC.
REAL ESTATE

THREE THIRTY ONE MADISON AVENUE / NEW YORK, N. Y. 10017 / 661-2244

BRONX OFFICE / ONE HUNDRED FORTY NINTH STREET AND THIRD AVENUE



MANAGEMENT/BROKERAGE/APPRAISALS/CONSULTATIONS SINCE 1889

December 31, 1974

Mr. John Gavin
Vice President-Secretary
Yale Express System, Inc.
215 County Avenue
Seacaucus
New Jersey 07094

Dear Sir,

You have asked me to give my opinion concerning the capitalized cost that might be ascribed to the position of anyone acquiring the tenant's interest in the property known as 460 12th Avenue, comprising the land under the present improvements and further identified as Lots 1 and 13 in Block 685, Section 3, City and State of New York.

This property is under net lease for a period ending April 30, 2014 at a net rental that shall not be less than $100,000 per annum during that period of time. The amount which represents the capitalized cost of the tenant's position in this lease may be described as one of two figures: first, in the event that the tenant is required to pay real estate taxes which are currently in the amount of $77,206.50 for the present tax year, then the capitalized cost would be $2,365,000; if the entity that succeeded to the tenant's position was not forced to pay real estate taxes to the City of New York, the capitalized cost of this lease would then, in my opinion, be $1,335,000. Both of these figures represent the proper relationship between that rent having to be paid and the proper return to the land under the lease, which figure, in my opinion, should be 7½%.

I trust that this letter furnishes you with the information needed and will be helpful to you.

Very truly yours,

J. CLARENCE DAVIES, INC.

J. Clarence Davies, Jr.
President

JCD/jb

AA

# QUALIFICATIONS OF J. CLARENCE DAVIES, JR.

J. Clarence Davies, Incorporated
- President & Director - 1934 to 1958; March 1962 to present

American Institute of Real Estate Appraisers
- Membership #1275 - dated January 1, 1946
- New York Metropolitan District Chapter #4
  - Board of Directors - 1969 to 1972

American Society of Real Estate Counselors
- Membership #117 - dated 1957
- Education-Case Study Seminar Subcommittee - 1970

City of New York
- New York City Bicentennial Corporation
  - Chairman - elected May, 1972
- Rehabilitation Mortgage Insurance Corporation (REMIC)
  - Financial Advisory Council - 1973 to present
- Bureau of Real Estate
  - Director - July 15, 1958 to May 1, 1959
- Department of Real Estate
  - Commissioner - May 1, 1959 to April 12, 1960
  - Advisory Committee - 1962 to May, 1964
- Housing & Redevelopment Board
  - Chairman - April 12, 1960 to February, 1962
- Landmarks Preservation Commission
  - Commissioner - June 29, 1965 to June 28, 1971
- Mayor's Council on Poverty
  - Citizen's Advisory Panel - 1964
- Urban Renewal Board
  - Vice Chairman - 1960

Empire Savings Bank
- Trustee - April 8, 1964 to present
- Mortgage Committee
  - Chairman - 1973

National Association of Real Estate Boards - since 1935
- Realtors' Washington Committee - 1969

New York State Association of Real Estate Boards - since 1935
- Board of Directors - October 1, 1968 to present
- Equal Opportunity Committee - October 1, 1968 to present
- Legislative Committee - October, 1973 to present
- Realtor-Lawyers Committee - October, 1973 to present

New York Chamber of Commerce and Industry
- Trustee of Real Estate - 1965 to present

New York State Society of Real Estate Appraisers
- Charter member
- President - 1971
- Vice President - 1969 to 1970

Bronx Board of Realtors, Inc.
- Board of Governors - 1957 to present
- Appraisal & Record Committee - 1971
- Ways & Means Committee - 1967 to present
- Ethics-Commissions & Professional Practices Committee - 1957 to present
- President - 1957 to 1958
- Arbitration Committee Chairman - 1957

Real Estate Board of New York
- Board of Governors - 1973 to present
- Arbitration Board - 1964 to present
- Civil Rights Committee
  - Chairman - 1964 to 1973
- Consultants' Committee - 1964 to 1974
- Municipal Affairs Committee - 1964 to 1974
- Housing Programs Committee
  - Vice Chairman - 1964 to 1968
  - Member - 1968 to present
- Brokerage Division
  - Vice Chairman & Director - 1964 to 1967
- Taxes & Assessments Committee - 1964 to 1966

United States Air Force Reserve
- Retired March 8, 1974 as Major General, USAFR.
- Last assignment as Mobilization Assistant to Commander in Chief, Strategic Air Command, Offutt Air Force Base, Omaha, Nebraska, March 1973 to March 1974
- Air Defense Command Reserve Forces Policy Council
  - Chairman - 1961 to 1964
- USAF Reserve Forces Policy Committee - 1963 to 1967
- Department of Defense, Reserve Forces Policy Board - 1969 to 1972

American Jewish Committee
- National
  - Executive Committee - 1956 to present
- New York Chapter
  - President - 1964 to May 1968
  - Housing Committee
    - Chairman - 1954 to 1959

Citizens' Housing & Planning Council of New York
- Board of Directors - 1962 to 1972
- Executive Committee - 1962 to 1968
- President & Chairman - 1956 to 1958

Citizens' Union of the City of New York
- Treasurer - 1957 to 1958
- Executive Committee - 1955 to 1958; 1962 to 1972

Community Council of Greater New York, Inc.
- Board of Directors - 1948 to 1952; 1957 to 1961; 1963 to present
- Manhattan Committee on Alcoholism
  - Chairman - 1968 to 1973
- Contributor's Information Bureau
  - Chairman - 1972 to present

Dartmouth College
- Alumni Council
  - Member representing N.Y. area - 1973 to present
- Executive Committee, Class of 1934 - 1959 to present
- National Enrollment Committeeman - Manhattan & Bronx - 1957 to 1964
- New York City Committee for Third Century Fund
  - Co-Chairman - 1969 to 1972
- Alumni Fund
  - Assistant Class Agent - 1935 to present

Horace Mann School for Boys
- Board of Trustees - 1963 to present
  - Vice Chairman - 1967 to 1969
- Executive Committee - 1963 to 1972
- Policy & Development Committee - 1971 to present

Horace Mann School for Boys - Riverdale Campus
- Physical Facilities Committee
  - Chairman - 1972
- Academic Committee - 1972

Montefiore Hospital
- Trustee- 1945 to present
- Assistant Secretary - 1964 to 1973
- Property Development Committee
  - Chairman - 1973 to present

National Conference of Christians & Jews
- Bronx Committee
  - Chairman - 1949 to 1952

New York University - School of Continuing Education
- Division of Business & Management - Real Estate Institute
  - Advisory Council Member - 1966 to present

Riverside Research Institute
- Trustee - 1969 to present

United Neighborhood Houses, Inc.
- Board of Directors - 1952 to present
- President - 1962 to 1966
- Vice President - 1960 to 1962
- Treasurer - 1970

United Service Organization of New York (USO)
- Board of Directors - 1962 to present
- Vice President - 1968 to present

United States Lawn Tennis Association
- Treasurer - 1967 to 1972
- Administrative Committee - 1961 to 1965; 1968 to 1972
- Budget & Finance Committee - 1968 to present
- Davis Cup Competition
  - Zonal Committee of Management - 1968 to 1972
- Insurance Committee
  - Chairman - 1970 to present
- Licensing Committee - 1969 to present
- National Championships Committee
  - Deputy Referee - 1966 to 1968
  - Vice Chairman - 1967 to 1968
  - Chairman - 1962 to 1965
- National Indoors Championships Committee
  - Chairman - 1961 to 1964
- Open Circuit Advisory Committee - 1969
- Umpires Committee
  - Chairman - 1957 to 1961; 1966 to 1967

Consultant and appraiser to many banks, trust companies, attorneys, estates and qualified in all City and Federal courts as an expert in real estate valuation in the metropolitan area of New York and many other parts of the United States.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
----------x

CHELSEA NEIGHBORHOOD ASSOCIATIONS, PENN SOUTH PARENTS, CHELSEA-ELLIOTT TENANTS ASSOCIATION, COUNCIL OF CHELSEA BLOCK ASSOCIATIONS, KELVIN L. and ELLA MARIE KEAN, BEVERLY RUBIN and FRANCES LOPATIN,

Plaintiffs,

74 Civ. 3702
(Judge Ward)

-against-

UNITED STATES POSTAL SERVICE and E.T. KLASSEN, individually and as Postmaster General,

Defendants.

----------x

SIDNEY WINOKER, being duly sworn, deposes and says:

1. I am a licensed real estate broker in the State of New York. I maintain offices at 501 Fifth Avenue, New York City. I am a member of the firm of Weissman-Winoker Real Estate Inc.

2. I have been in contact with Irving Maidman who is the owner of the parcel of land and buildings situated at 495 and 511 Eleventh Avenue, property which extends the full length of the block between 39th and 40th Street on the west side of Eleventh Avenue.

3. During the week of December 23 I spoke to Mr. Maidman who told me he is prepared to sell the above mentioned property. His asking price is $1.2 million.

4. A rough sketch of the block with the Maidman property designated thereon is attached hereto.

SIDNEY WINOKER

Sworn to before me this

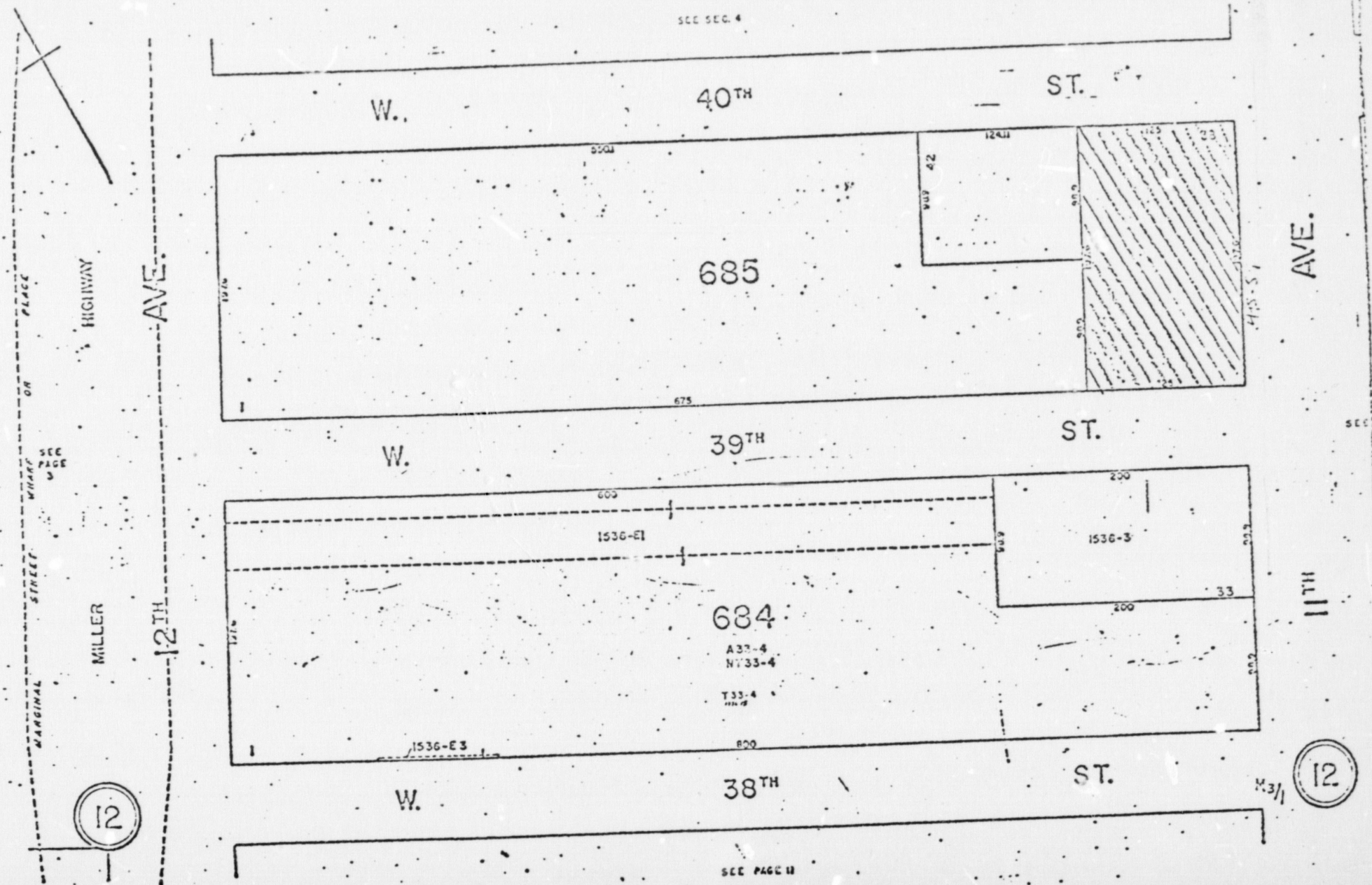
27th day of December, 1974.

EMIL BLOOM
Notary Public, State of New York
No. 4602533
Qualified in Kings County
Commission Expires March 30, 1975

Notary Public

Emil Bloom

PLOT PLAN


SEE SEC. 4
W. 40TH ST.
685
675
W. 39TH ST.
1536-E1
1536-3
684
A33-4
NW33-4
T33-4
1536-E3
800
W. 38TH ST.
SEE PAGE 11
AVE.
12TH
11TH
AVE.
MILLER
HIGHWAY
PLACE
OR
WHARF
STREET
MARGINAL
SEE PAGE 3
12
12
M3/1

EWELL W. FINLEY P.C.

35 EAST 20TH ST. • NEW YORK, N.Y. 10003
6406 GEORGIA AVE. N.W. • WASHINGTON, D.C. 20012
NEW YORK (212) 533-3050 • WASHINGTON (202) 291-3550
CONSULTING ENGINEERS

Ewell W. Finley, P.A.S.C.E.
Fernanda DeSilva, P.E.
Frederick Jackson, P.E.
Jacio Jackson, P.E.
Nathaniel Jeffers, P.E.

SR. ASSOCIATES
John Lewinnek
Ramesh Shah

ASSOCIATES
Sang-Wood Ma
Rajesh Malhotra

Ewell W. Finley, being duly sworn, deposes and says:

1. I am a licensed structural engineer maintaining office at Ewell W. Finley, P.C., at 35 East 20th Street, New York, New York. I submit this affidavit at the request of the Chelsea Neighborhood Association.

2. My technical qualifications are as follows: Licensed Professional Engineer, State of New York.

3. I have reviewed the specifications, plans and drawings for the proposed postal garage or VMF between 28th and 29th Streets in the Chelsea district of Manhattan.

4. I have also reviewed the drawings and specifications of the Yale Express Garage situated at 460 12th Avenue, also in Manhattan.

5. In my judgement, modifications of the Yale Facility could be accomplished at a cost of approximately 18 million dollars which would make that facility capable of fulfilling the function planned for the VMF.

Reply to
☐ New York
☐ Washington, D.C.

lcc

My judgement is based on the following:

1. The existing Yale Express System, Inc. Building located at 39th Street and 12th Avenue in Manhattan is a reinforced concrete building already partially designed for heavy vehicular traffic. The building consists of one 8 story portion covering approximately 32,000 square feet per floor, 2 floors at a lower level of approximately 82,000 additional square feet and an intermediate floor of approximately 28,000 representing a total of approximately 544,000 square feet.

2. The proposed Manhattan Vehicular Maintenance Facility (VMF) consists of a reinforced concrete framed building approximately 200 feet x 800 feet in plan (a portion of which is used for housing) with the VMF building having 2 stories below grade and 3-4 stories above grade with intermediate levels of special facilities. The building is designed for 50,150,200,300 pounds per square foot live load for certain floors and a maximum concentrated load of 18,000 psf at any point on the slab. These loads correspond to vehicals, tractors and trailers as indicated on the drawings.

3. The work required to make the Yale Building comparable to the services required of the proposed VMF Building is as, approximately listed below:

a. Increasing of the live load carrying capacity by necessary structural reinforcement.

b. Addition of more area to the Yale Building by adding two more stories to the low portion of the Building and constructing a new three story portion on the 11th Avenue side of the Building.

c. Addition of various ramps or freight elevators in order to accomplish the parking of the required number of vehicles.

d. Reinforcement of any structural members and foundation members found to be deficient in its new load carrying capacities upon analysis.

4. The cost estimate for alterations and additions of the Yale Building is based upon current industry costs of ma[illegible] construction renovations in the metropolitan New York area in [illegible]ltation with reputable contractors in this area.

State of New York
County of Kings

Sworn to before me this 2nd day of January 1975.

Notary Public

JOHNSON
Notary Public, State of New York
No. 24 [illegible] 0801
Qualified in Kings County
Commission Expires March 30, 19[illegible]

LAW OFFICES
BERLE, BUTZEL & KASS
425 PARK AVENUE
NEW YORK, NEW YORK 10022

838-2750
AREA CODE 212

EO A. BERLE
ERT A. BUTZEL
PHEN L. KASS
ES J. MILLOCK

DD

REGISTERED MAIL
RETURN RECEIPT REQUESTED

July 15, 1974

The Hon. E. T. Klassen
Postmaster General
United States Postal Service
Washington, D.C. 20260

Mr. Robert Coven, General Manager
Office of Program Management
Headquarters, U.S. Postal Service
475 L'Enfant Plaza West (S.W.)
Washington, D.C. 20260

Mr. John R. Strachan
Postmaster of New York
General Post Office
New York, New York 10001

Manhattan Vehicle Maintenance Facility

Gentlemen:

We are writing on behalf of the Chelsea Neighborhood Associations and their constituent groups and affected individuals to demand that the U.S. Postal Service:

A. Immediately reverse and abandon its plans to construct a so-called vehicle maintenance facility ("VMF") -- in reality a huge garage -- between Ninth and Tenth Avenues and 28th and 29th Streets in the Chelsea district of Manhattan; and

B. Promptly move to ensure that the VMF site is leased or conveyed, at nominal cost, to the City of New York for housing.

This demand is made, and the abandonment of the Chelsea site is sought, for three principal reasons:

First, the imposition of the VMF upon Chelsea, with its associated 2,200 daily postal vehicle trips, would be totally inconsistent with the fabric of the surrounding residential community and would result in severe environmental degradations and unquestionable health hazards, due to the resulting pollution, noise and land use impacts.

Second, the manner in which the Postal Service has purported to authorize construction of the VMF has been in patent violation of applicable law, including, specifically, the

National Environmental Policy Act of 1969 [42 U.S.C. §§4321 et seq.] ("NEPA"); the Clean Air Act and Clean Air Act Amendments of 1970 [42 U.S.C. §§1857 et seq.]; and Public Law 92-313, pursuant to which construction of air rights housing on the site has been authorized.

Third, as has always been the case, there is no need to build the VMF at the proposed site. Many alternatives are available, including, for example, planned scatter-site facilities or central locations in industrial (rather than residential) zones. Furthermore, still another, and far less expensive solution has recently been uncovered: the purchase and use of the existing Yale Trucking Company terminal and maintenance facility at 39th Street and Eleventh Avenue.

We need not, we believe, describe at any length the adverse impacts that the VMF would have upon Chelsea. Even in your own environmental impact statement -- as incomplete and one-sided as it is -- the added truck trips, the added congestion in the general area, the added overall air pollution, the added noise in the early morning and late evening hours, the added pressures to convert still more residential buildings to parking lots -- these and other degrading effects are acknowledged. Inevitably, of course, they are played down and ultimately dismissed. But as noted below in our discussion of the impact statement, it is not necessary to read between the lines to realize that the decision here has been arbitrary and capricious.

Of equal importance, there have been violations of law beyond the inadequacy of the impact statement. In brief summary of these, we point to the following:

A. The impact statement has consistently used the air-rights housing as a justification for the VMF. Yet, there has been no detailed environmental statement issued in respect of the housing component. To the contrary, the Department of Housing and Urban Development in its comment letter stated expressly that there has been no environmental clearance for the housing. The use of the housing in these circumstances to justify the VMF is unwarranted. Both components must be taken together under NEPA, and the failure to have done so here clearly vitiates the environmental clearance accorded to the Postal Service garage. See, e.g., Scientists Institute for Public Information v. AEC, 481 F.2d 1079 (D.C. Cir. 1973); Conservation Society of Southern Vermont v. Secretary, 362 F. Supp. 360 (1973); Committee to Stop Route 7 v. Volpe, 346 F. Supp. 731 (D.Conn. 1972); Jones v. Lynn, 477 F.2d 885 (1st Cir. 1973).

Furthermore, lest it be thought that the failure to assess the VMF and the housing jointly is simply a matter of academic concern, this is clearly not the case. As but one example, the preliminary layout for the housing has unquestionably been forced by the structural characteristics of the VMF (see, e.g., pp. VIII 3-4). An evaluation of this layout would, we believe, clearly show that it is environmentally and otherwise unsuitable; yet the options were never considered due to the presumption that the VMF would be built and the resulting failure to assess, as NEPA requires, the environmental setting and options available for the housing. Likewise, social implications attending heavy-density housing, separated from the surrounding world by an 80-foot high platform, were barely touched on; yet if an EIS had been prepared for the residential units, these would have been a central concern and might well have resulted in improved facilities and a truly community-oriented design.

B. The Postal Service has continuously treated the VMF as a structure with only 918 associated parking spaces. But this is clearly not the case. The housing alone, with which the Service has sought to justify the entire plan, will add another 160 spaces, bringing the total to 1078; and the cars of the 1500 employees and drivers working out of the garage may well force another 500 to 1000 new spaces in the surrounding area. All of this means increased traffic and increased CO -- and, more to the immediate point, the unquestioned need to obtain an indirect source permit from the State of New York (which acts through the City) under the Clean Air Amendments of 1970 and the applicable City-State regulations [see 6 NYCRR Parts 200 and 201, including in particular Part 200.1(d)]. This has not been done, and any attempt to let bids or begin construction without doing so will be in violation of law. We hereby serve demand upon you to effect compliance as required, and we give you notice that in the event of your failure to do so, our clients intend to pursue their legal remedies under the Clean Air Act.

C. We further demand on behalf of our clients that no bids be let or construction commenced in any event, until there is presented, reviewed and properly adopted the amendments to the City-State Implementation Plan that have been publicly announced within the last month. Many of the Impact Statement's conclusions were based on assumptions derived from the current Implementation Plan. Since that Plan is now to be amended -- and apparently in major respects -- those conclusions may no longer hold, however shaped. Accordingly, the Postal Service cannot and should not proceed with the VMF, when to do so may result in action inconsistent with the revised Plan.

D. The purported evaluation of the VMF undertaken by the Postal Service has also come in conflict with P.L. 92-313, authorizing the construction of air rights housing above the VMF. This law provides explicitly that the grant of air rights is for "a high rise residential tower", and it mandates that the VMF "be designed and constructed in such a manner as to permit the building [of such a tower]." Yet the housing that has been projected in the EIS and apparently in the Postal Service's general plans involves two high-rise towers. This simply is not authorized by the legislation -- nor is the design of a VMF which, as stated in the EIS, requires the two-tower facility. It may well be that from the housing point of view, two towers are a better approach than one. But this is not what Congress has allowed; and it is for Congress alone to determine whether a modification is in order. Accordingly, the present designs for both the housing and the VMF itself are unauthorized, and any effort to build in the present configuration will be illegal.

Turning briefly to the inadequacies of the impact statement itself, we point to the following deficiencies which are simply illustrative of the incomplete and improper job that has been done.

1. Air Pollution. The impact statement notes that the VMF will add to $NO_x$ and HC emissions in the Chelsea area and that the primary standards for these effluents will be violated [e.g. II-12; Table III-4]. Yet nothwithstanding, the Postal Service would go ahead though in violation of the Clean Air Act. This simply cannot be done. Furtner, while the impact statement suggests that CO levels will be in compliance, there has been no demonstration that the 8-hour standard -- which is a primary, and not, as suggested, a secondary standard -- will be met; and beyond this, everything admittedly depends on enforcement of parking laws that have been in existence, but not enforced, for years [e.g. pp. III 2-7]. This approach of wishful thinking is not what the law demands. There must be a realistic evaluation -- not a dream; and when that is done, the impacts are far too severe to allow [e.g. pp. III-10 to 13, III-18 to 20].

We also point out that the EIS analysis is based on the assumption that (A) 29th Street between Ninth and Tenth Avenues will be used two ways, and (B) traffic in the general area will not increase over present levels. Both of these assumptions are rejected by the City's Transportation Administration, with the consequence that impacts are likely to be far more severe than predicted. Furthermore, the entire VMF assessment is made in a vacuum, as if there were no other

major construction proposals in the area -- as if, for example, there were no convention center or remodelled West Side Highway under consideration. This approach was and is, we submit, clearly inadequate, and especially so here, where a congested metropolitan community is involved, with consequent impacts to the health of tens of thousands within the surrounding quarter-mile alone.

2. Noise. The increases in early morning and late evening noise are acknowledged -- and then largely brushed aside. The Postal Service seems satisfied that double paning of the air rights housing will be protection enough. But this ignores the well-being of everyone living along Ninth and Tenth Avenues now. These will not be old and usual sounds. They will be the new intrusion of several hundred laboring trucks in the hours when sleep is most easily disturbed. HUD and EPA both point to the impact -- and they describe it as serious. Yet the Impact Statement -- not in its technical sections but in its value-judgment evaluations -- says it is all OK. It is not, we submit, nor will it ever be unless the facility itself is moved.

3. Urban Form. The Impact Statement continues to hold up the VMF, with the air rights housing, as an appropriate divider between residential and commercial areas. But even if this were true -- which both HUD and others dispute -- it loses sight of the critical fact that the need is for housing, not for a VMF. Furthermore, contrary to the Postal Service's oft-stated claim, construction of the VMF is likely to diminish, rather than increase, the net housing supply. After all, the site itself was filled with rooms for living before the Post Office demolished them; and the replacement of the recreation center demolished at the same time has resulted in even further housing losses on 25th Street where a new center is being built. Beyond this, the effects into the future may be even worse. Thus the EIS admits -- albiet in an off-hand manner -- that the 1500 drivers and employees who work out of the VMF will create a demand for off-street parking that may result in the loss of older residences (e.g., p. III-31). Yet this is exactly the pattern that has led to a desparate housing need in Chelsea. To perpetuate the past now further into the future is, we respectfully submit, absurd.

4. Social Problems of the High Rise Buildings. These problems, increasingly the subject of objective rather than emotional evaluation, are admitted by all experts to be among the most serious issues to be dealt with in our country's efforts to provide adequate homes. But because no environmental evaluation has been made for the air-rights housing, they have

Return this copy to JJS

not been considered with any seriousness here. We submit that they must be -- before the housing is used to justify a facility as totally incompatible as a garage. The housing is desparately needed, but not at the cost of 2,200 daily truck movements that can only create a climate inimical to real homes, and not on a haphazard basis, where the ultimate product is simply four walls and not a place to live. The Postal Service's refusal to recognize that environment is something a good deal more than an attractive structure on paper is a basic failing that, we believe, cannot be accepted.

5. Energy Considerations. The analysis of energy needs is totally inadequate. We need say no more at this point than: If Con Edison has given assurances that it can handle the added load, there is every likelihood that disaster will ensue. In any event, it is clear that the Postal Service has not considered the issue with any seriousness -- as required by NEPA, much less the realities of the energy crisis that will undoubtedly emerge again in the near future.

6. Alternatives. The treatment of alternatives is haphazard and inadequate -- being designed, quite obviously, as an attempt to justify the present site rather than to seek out alternative solutions. There can be no doubt, however, that these exist. For example, the development of planned scatter-sites within the immediate areas of pick-up and delivery would unquestionably reduce travel miles and pollution and result in a more efficient use of resources; yet such an alternative is never discussed. Furthermore, while consideration is purportedly given to other possible central sites, such as that to the northwest of the Morgan Station in a completely industrial area, the evaluation is so one-sided and biased as to make a mockery of NEPA, and its commands that federal agencies work to develop appropriate alternatives. The same biased attitude also characterizes the evaluation of the Postal Service's so-called "no action" alternative, which is dismissed almost entirely on the grounds that without the VMF, the Chelsea community would lose the air-rights housing. But this obviously does not follow. The housing can and, we submit, should be built without the VMF, whether standing on its own or mounted on a more logical base, such as a community health center or educational facility. However, the latter options are never discussed; and as for the free standing development, the idea is dismissed out-of-hand as being $10 to $15 million more costly than VMF-mounted towers. Yet it clearly lies within the power of the Postal Service to reduce or eliminate this cost differential by leasing the site long-term to the City for $1 a year, or by selling it at a nominal price for public housing use. There is no impossibility, after all, in amendatory legislation, which will be needed in any event if the two-tower development now proposed is pursued.

Furthermore, if money is the concern that the Postal Service claims it to be, the greater dollar needs for free-standing housing can easily be made up -- and the Service's needs for a maintenance facility totally satisfied -- through the adoption of an alternative that has only recently become available.

Specifically, as outlined in the annexed letter dated June 6 from Weissman-Winoker Real Estate, Inc., there is now available for purchase, in the block bounded by 39th and 40th Streets and Eleventh and Twelfth Avenues, an existing truck terminal and maintenance garage that would serve admirably to meet the Postal Service's needs. Constructed in 1965, this facility now has a total floor space of 458,000 square feet, and has been so built as to allow enlargement to approximately 578,000 square feet plus a large roof-top parking area. In addition, through the acquisition of two small neighboring buildings, total floor space could be expanded to more than 700,000 square feet.

The existing garage was constructed by the now-bankrupt Yale Express Co. (which used it for essentially the same purposes the Postal Service has in mind) and is being offered for sale for $8,500,000. By contrast, both the New York Times and the recent June issue of the New York Construction News report the estimated price of the VMF, sans the housing, at $35 million. This means that with $10,500,000 allocated to the purchase of the VMF site for housing, there would be a savings of some $15,000,000 in acquiring the Yale Express garage, as compared to building the VMF from scratch; and this, in turn, would more than allow for construction of the additional levels of space (if any) needed for Postal Service vehicle maintenance and parking. By the same stroke, of course, the traffic and other environmental indignities of the VMF would be transferred out of a residential neighborhood and into a heavily industrialized area where they would do far less damage.

We recognize that the discovery of the Yale Express alternative comes late. But on its face it is of such merit, and would result in such tremendous savings, as to require a thorough investigation of its feasibility for Postal Service use.

We cite the Yale Express garage as only one example of the kind of solution that could satisfy the needs for both Chelsea housing and Postal Service garage facilities and suggest that other potential solutions (whether scatter-site or centralized) do exist. We urge that an investigation of these

be undertaken promptly and that, in the meantime, no steps be taken, through the solicitation of bids or otherwise, to forward construction of the VMF at the 29th Street (Chelsea) site. In addition, unless and until the other illegalities set forth in this letter are corrected, all further action looking to construction of the VMF at the Chelsea site should be held in abeyance; and on behalf of our clients, we respectfully so demand.

We would, of course, be pleased to meet with you or your representatives to discuss this matter further if you should so wish. And if, despite the points we have raised, you decide to press on, we respectfully ask that we be notified at least 14 days before the first invitations for bids are issued, so that court action can be instituted in a regular fashion rather than at the last moment.

We shall look forward to a reply at your earliest convenience and in any event within 30 days.

Very truly yours,

BERLE, BUTZEL & KASS
Attorneys for Chelsea Neighborhood Associations, et al.

Albert K Butzel

Albert K. Butzel

cc: Mayor Abraham Beame
Congresswoman Bella Abzug
Hon. Percy Sutton
Robert Low, City EPA
Roger Starr, City HDA
Frank Pagano, Corps of Engineers
Paul Arbesman, Federal EPA

(212) 935-1111

AN-WINOKER REAL ESTATE, INC.

LEASING · SALES · MANAGEMENT

501 FIFTH AVENUE
NEW YORK, N. Y. 10017

June 6, 1974

EE

vid L. Smith
: M. Huppeler Agency
rk Avenue, 16th Floor
rk, New York

r. Smith:

real estate brokers and consultants, and involved in the sale of
elfth Avenue.

ilding presently has a total square footage of approximately 458,000
feet. The building is constructed of reinforced concrete, is 100%
lered and serviced by five (5) Otis elevators.

uilding was constructed by Yale Express to institutional standards
mpleted in 1965. It is estimated that the present reconstruction of
uilding would run sixteen to nineteen million dollars ($16,000,000.00
,000,000.00). It is being offered for sale at eight and a half million
s ($8,500,000.00).

otings of the building were built to take additional construction
t it will be possible to add an additional 120,000 square feet to
ilding, which would then provide the owner of the building with
imately 578,000 square feet and a large roof-top parking area.

ng on the block front between 39th and 40th Street and 11th Avenue is
er slaughter house of 25,000 square feet land area which is presently
by Irving Maidman and is being offered for sale at an asking price
million eight hundred thousand dollars ($1,800,000.00). In addition
s 25,000 square foot plot, there is another building which is presently
ed, with the strong possibility that it may be vacated by its present
, which is approximately 12,500 square feet. If the entire area is
ed and several floors are built up, the possible total square footage
me up to 710,000 square feet.

he acquisition of these two parcels, a super block of 200 by 800 ft.
be acquired at a very reasonable price.

Yours truly,

Alfred Weissman

Alfred Weissman

EWELL W. FINLEY P.C.

35 EAST 20TH ST. • NEW YORK, N.Y. 10003
6406 GEORGIA AVE. N.W. • WASHINGTON, D.C. 20012
NEW YORK (212) 533-3050 • WASHINGTON (202) 291-3550
CONSULTING ENGINEERS

Ewell W. Finley, P.E., F.A.S.C.E.
Amanda Dalton, P.E.
Frederick Jackson, P.E.
Mario Jackson, P.E.
Nathaniel Jeffers, P.E.

SR. ASSOCIATES
John Levermore
Ramesh Shah

ASSOCIATES
Sang-Wook Ahn
Rajesh Malhotra

## Affidavit

State of New York )
) ss.:
County of Kings )

Ewell W. Finley, being duly sworn, deposes and says:

1. I am a licensed structural engineer maintaining offices as Ewell W. Finley, P.C. at 35 East 20th Street, New York, New York. I submit this additional affidavit at the request of the Chelsea Neighborhood Association.

2. It is my understanding that the Postal Service is taking the position that the "Yale Express facility", discussed extensively in previous papers submitted in this action and in my affidavit of January 2nd, 1975, can not be modified to fulfill the function of the Vehicle Maintenance Facility which the Postal Service proposes to build between 28th and 29th Streets and Ninth and Tenth Avenues in Manhattan. The Postal Service's objection is based on its assertion that the Yale facility has ten foot ceilings and Postal Service trucks exceed eleven feet in height.

3. My earlier affidavit indicates that modifica-

Reply to:
☐ New York
☐ Washington, D.C.

tions on the Yale site can be made which will permit it to fulfill the VMF function. I have reviewed the VMF plans and I find that they contemplate providing parking spaces and service facilities for 912 (nine hundred twelve) trucks, trailers, and passenger vehicles. The minimum headroom provided in the proposed VMF is as follows:

| Vehicle type | No. in VMF | Minimum Headroom Provided | Maximum Height of Vehicle |
|---|---|---|---|
| 5 ton truck | 249 | 12'-6" | 10'-10" |
| 1 or 2 ton truck | 522 | 12'-6" | 9'-4" |
| 1 ton trucks | 2 | 12'-6" | 8'-8" |
| tractors | 85 | 12'-6" | 11'-10" |
| trailers | 24 | 14'-0" | 12'-8" |
| official passenger vehicles | 30 | 12'-6" | * |
| total vehicles | 912 | | |

* not given

4. The existing Yale facility consists of approximately 546,000 square feet and floor to floor heights varying from 13'-9" to 17'-0". By raising the existing ceilings and revising the mechanical systems this facility could be modified to meet the head room requirements stated above and provided in the proposed VMF.

5. The space required for the heavier trailers is approximately 10,000 square feet and can be provided for in

the ground floor of the existing Yale facility. The rest of the trucks and the passenger vehicles could be accomodated satisfactorily in the proposed new construction and the upper floors of the Yale facility. Suitable ramps and elevators can be added in the new construction to ensure proper access.

6. Consequently, it is clear that the Yale facility can be adapted to fulfill the function of the VMF.

Ewell W. Finley

Sworn to before me this
15 th day of January, 1975

Notary Public

PATRICIA A. JOHNSON
Notary Public, State of New York
No. 24-4670801
Qualified in Kings County
Commission Expires March 30, 1975

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | | |
|---|---|---|
| CHELSEA NEIGHBORHOOD ASSOCIATIONS, et al., | : | |
| Plaintiffs, | : | 74 Civ. 3702 (Judge Ward) |
| -against- | : | |
| UNITED STATES POSTAL SERVICE, et al., | : | STATEMENT PURSUANT TO RULE 9(g) |
| Defendants. | : | |

GG

A genuine issue for trial exists with respect to the following material facts. Specifically in question is:

1. When the Postal Service intends to open bids for construction of the Vehicle Maintenance Facility ("VMF"). The Postal Service recently announced that bids will not be opened until late February 1975.

2. Whether the VMF will contain residential parking spaces. The Postal Service's Environmental Impact Statement projected residential parking spaces.

3. Whether the Yale Express Garage became available in May, 1974 or substantially earlier.

4. Whether the Yale Express Garage can be renovated at reasonable cost to provide floor space, floor-to-ceiling height and a vehicle maintenance facility substantially equivalent to that offered by the VMF.

5. What the estimated cost of the VMF is. Experts have calculated that the cost will be almost $10 million more than the Postal Service's estimate.

6. Whether the VMF foundation plans predetermine and affect the size, shape and design of the residential towers.

The foregoing issues are set forth in response to defendants' statement pursuant to Rule 9(g). Additional material facts may also be in dispute.

Dated: New York, New York
January 15, 1975

Respectfully submitted,

BERLE, BUTZEL & KASS

Attorneys for Plaintiffs
425 Park Avenue
New York, New York 10022
Tel.: (212) 838-2700

By Albert K. Butzel
Albert K. Butzel

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - - - - - - - - - - - - - - - - - - - - - - - - --x

CHELSEA NEIGHBORHOOD ASSOCIATIONS, et al., :

Plaintiffs, :

-against- : 74 Civ. 3702 (Judge Ward)

UNITED STATES POSTAL SERVICE, et al., :

Defendants.

- - - - - - - - - - - - - - - - - - - - - - - - - - - - --x

PLAINTIFFS' FIRST SET OF INTERROGATORIES TO DEFENDANT, AND REQUESTS FOR DOCUMENTS

answer due Oct 9-1974 ptwd

SIRS:

PLEASE TAKE NOTICE that plaintiffs Chelsea Neighborhood Associations et al., by their attorneys Berle, Butzel & Kass, pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure, hereby request the defendant United States Postal Service (the "Postal Service"), by an officer thereof, to answer under oath the following interrogatories as well as requests for documents, within 30 days after the date of service of this notice. The answers should include all information known up to the date of verification thereof.

As used in these interrogatories, the term "identify", when used in conjunction with persons means to state the name, title, government or business description and business address of each such person, and when used in conjunction with documents, means to furnish a description of the document, its date (if any), the name and address of the person originating it, the name and address of the person, if any, to whom it was directed, and its present custodian.

1. Identify the officer or other person or persons within or without the Postal Service who assume primary responsibility for

and would sponsor at any trial, the Final Environmental Impact Statement ("EIS") for the proposed Postal Service Vehicle Maintenance Facility ("VMF") which is the subject of this action (i.e., the VMF proposed for the block between Ninth and Tenth Avenues and 28th and 29th Streets in the Borough of Manhattan, City of New York).

2. Identify the officers and other persons within or without the Postal Service (including personnel of the Army Corps of Engineers and outside consulting firms) who are responsible for, and would sponsor at any trial, those poerions of the EIS dealing with (A) vehicle traffic, including VMF trips per day, etc., (B) air pollution, (C) noise, (D) land use impacts and urban form, (E) housing design and construction and (F) housing impacts and problems.

3. Identify the officers or other persons within and without the Postal Service who have the primary responsibility for (A) the design and (B) the construction of the proposed VMF.

4. Insofar as the Postal Service is aware, what are the present plans and designs for the air rights housing above the VMF, and how, if at all, do these differ from the plans and designs reflectied in the EIS?

5. What will the added costs of the air rights housing be due to (A) the need for double-pane windows and other changes to resolve noise and air pollution problems, and (B) the operating costs due to the need for around-the-clock air conditioning?

6. What is the Postal Service's actual investment in the land at the VMF site (i.e., what was the cost to the Postal Service of such land)?

7. What is the most current estimated cost for the VMF (excluding, of course, the costs of the air rights housing)?

8. When and by whom was the most recent estimate made?

9. In making the most recent estimate:

(A) What costs, if any, were assigned to the added foundation work required to support the air rights housing, and what part of such costs, if any, is included in the estimate given in answer to Interrogatory No. 7 above?

(B) What escalation factor or factors were used in making the estimate?

(C) What dates were assumed for the beginning and completion of construction?

10. When does the Postal Service expect to (A) solicit bids for any part of the construction of the VMF (including land preparation and/or foundation excavation); (B) award contracts for construction; (C) begin land preparation and excavation work for the VMF; and (D) begin actual construction (other than excavation)?

11. Has the Postal Service applied for an indirect source or other permit for the VMF under the Clean Air Laws? If not, why not? If an application or applications have been made, to whom and on what dates were they submitted, and what action, if any, has been taken thereon?

12. Identify all documents in the possession of the Postal Service reflecting or bearing on (A) the current plans and designs for the air rights housing, (B) the cost to the Postal Service of the VMF site, and (C) the most current cost estimates for the VMF, including the breakdowns sought through Interrogatory No. 9.

You are hereby reminded that, pursuant to Rule 26(e)(2), FRCP, you are under a duty to seasonably amend your responses to the foregoing interrogatories if you should obtain information from which you would know that a prior response, although correct when made, is no longer true and the circumstances are such that failure to amend is in substance a knowing concealment.

Request for Documents

You are hereby requested to produce at 10:00 AM on the day that is 30 days after the date of service of this Notice, at the offices of Berle, Butzel & Kass, 425 Park Avenue (18th Floor), New York, New York, all documents referred to in response to Interrogatory No. 12.

Dated: New York, New York
August 26, 1974

BERLE, BUTZEL & KASS
Attorneys for Plaintiffs

By Albert K. Butzel
Albert K. Butzel

Office and Post Office Address
425 Park Avenue
New York, New York 10022
Telephone: (212) 838-2700

TO: United States Postal Service
475 L'Enfant Plaza
West Building, Room 5920
Washington, D.C. 20260

Paul J. Curran, Esq.
United States Attorney for the
Southern District of New York
United States Courthouse
Foley Square
New York, New York 10007

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11/14/74
SDNY

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

Chelsea Neighborhood Associations, et al.,

Plaintiffs,

v.

United States Postal Service et al.,

Defendants.

74 Civ. 3702 RJW

DEFENDANT UNITED STATES POSTAL SERVICE'S ANSWERS TO PLAINTIFFS' FIRST SET OF INTERROGATORIES AND REQUESTS FOR DOCUMENTS

NOW COMES the Defendant United States Postal Service by William V. Chapp, its Program Manager, Northeast Region, Program Management Division, Real Estate and Buildings Department, and for answer to the Plaintiffs' First set of Interrogatories and Requests for Documents, answers under oath as follows.

1. Robert H. Coven, General Manager, Program Management Division, Real Estate and Buildings Department, United States Postal Service, 475 L'Enfant Plaza West, S. W., Washington, D. C. 20260.

William V. Chapp, Program Manager, Northeast Region, Program Management Division, Real Estate and Buildings Department, United States Postal Service, 475 L'Enfant Plaza West, S. W., Washington, D. C. 20260.

Lt. Col. R. P. Thompson, Deputy District Engineer, New York District, U. S. Army Corps of Engineers, 26 Federal Plaza, New York, NY 10007.

Fred Wolfe, Assistant for Flood Plain Management, New York District, U. S. Army Corps of Engineers, 26 Federal Plaza, New York, NY 10007.

Ms. Beverly B. Getzen, Board of Engineers for Rivers and Harbors, Kingman Building, Room 3D04, Fort Belvoir, Virginia 22060. (Ms. Getzen was, at the time the E.I.S. was being prepared, Project Manager, Environmental Branch, New York District, Corps of Engineers.)

Thomas E. McHale, Assistant Vice President, Edwards and Kelcey, 1 World Trade Center, New York NY 10048.

2. (A) Vehicle traffic —

(i) Projections of Postal vehicle traffic to and from Morgan Station and the VMF: John J. Dougherty, Manager, Vehicle Operations, New York NY Post Office, 528 West 34th Street, New York NY 10001.

(ii) Traffic impact analyses: Robert Sands, Edwards and Kelcey, 1 World Trade Center, New York NY 10048.

(B) Air pollution: Dr. James R. Mahoney, Environmental Research and Technology, Inc., 429 Marrett Road, Lexington MA 02173.

(C) Noise: Paul Jensen, Supervisory Consultant, Bolt, Beranek and Newman, Inc., 50 Moulton Street, Cambridge MA 02138.

(D) Land use impacts and urban form: Kenneth H. Creveling, Jr., Planner, Edwards and Kelcey, 1 World Trade Center, New York NY 10048.

(E) Housing design and construction: Richard Roth, Jr., Partner, Fred Halden, Senior Associate, and Robert S. Goldberg, Associate, Emery Roth & Sons, 850 Third Avenue, New York NY 10022.

(F) Housing impacts and problems: Kenneth H. Creveling, Edwards and Kelcey.

3. (A) Design: Robert H. Coven and William V. Chapp, USPS; Richard Roth, Jr., Fred Halden, and Robert S. Goldberg, Emery Roth & Sons.

(B) Construction: Robert H. Coven and William V. Chapp, USPS.

4. Representatives of the Urban Development Corporation of the State of New York have advised Postal Service officials orally that the U.D.C. expects to reduce the number of housing units and to con-

struct a single housing structure instead of the two towers that had been planned originally and were assumed in the E.I.S. A diagrammatic sketch, preliminary conceptual plans, and a photograph of a model of an alternative structure presently under consideration also have been furnished to the Postal Service. Insofar as the Postal Service is aware, however, a definite decision has not been made by the U.D.C. on the design that will be implemented.

5. The Postal Service does not have this information.

6. $5,010,000.00.

7. Not answered.

8. Not answered.

9. Not answered.

10. (A) November, 1974.
(B) January, 1975.
(C) Directly following award of the construction contract.
(D) After the site and foundation work is completed, probably in early Spring, 1975.

11. No. The Postal Service is not required to obtain an indirect source permit for the VMF.

12. (A) A diagrammatic sketch, a photograph of a model, and preliminary conceptual plans dated August 7, 1974. These items were handed to Fred Halden, Emery, Roth & Sons, by Carl Panero, New York State Urban Development Corporation, 1345 Avenue of the Americas, New York NY 10019. William V. Chapp has custody of these documents.
(B) Contracts of sale, deeds, and judgments of the United States District Court for the Southern District of New York fixing the compensation for the site, in the aggregate, at $5,010,000.00.
(C) Not answered.

Documents Requested

The diagrammatic sketch and photograph referred to in 12 (A), above, are enclosed herewith. The preliminary conceptual plans referred to in 12 (A) are being forwarded at this time under separate cover.

The documents referred to in 12 (B), above, are not furnished herewith.

William V. Chapp

District of Columbia, ss.

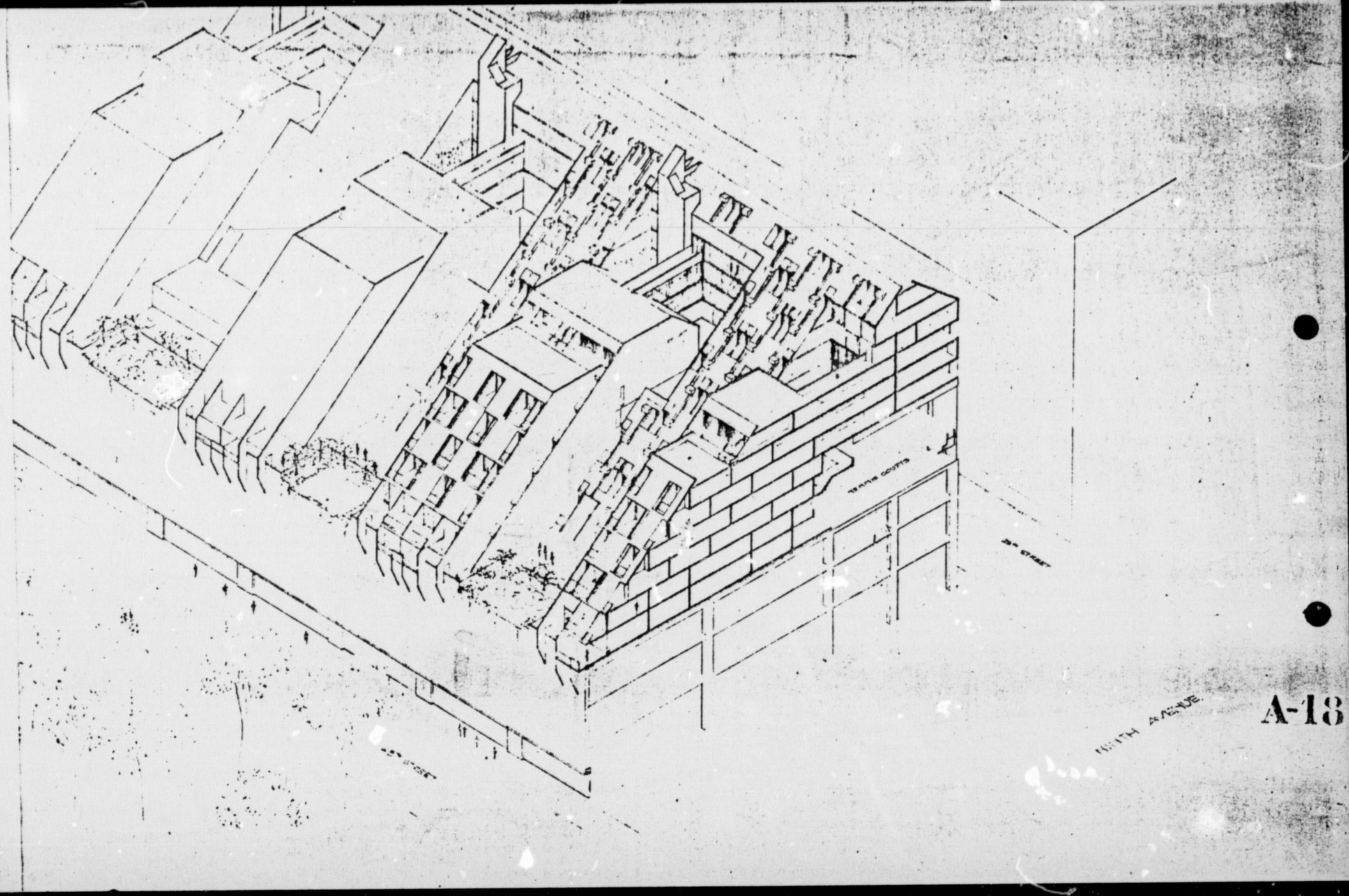
I, William V. Chapp, do hereby make solemn oath that the foregoing answers are true and correct to the best of my knowledge, information, and belief.

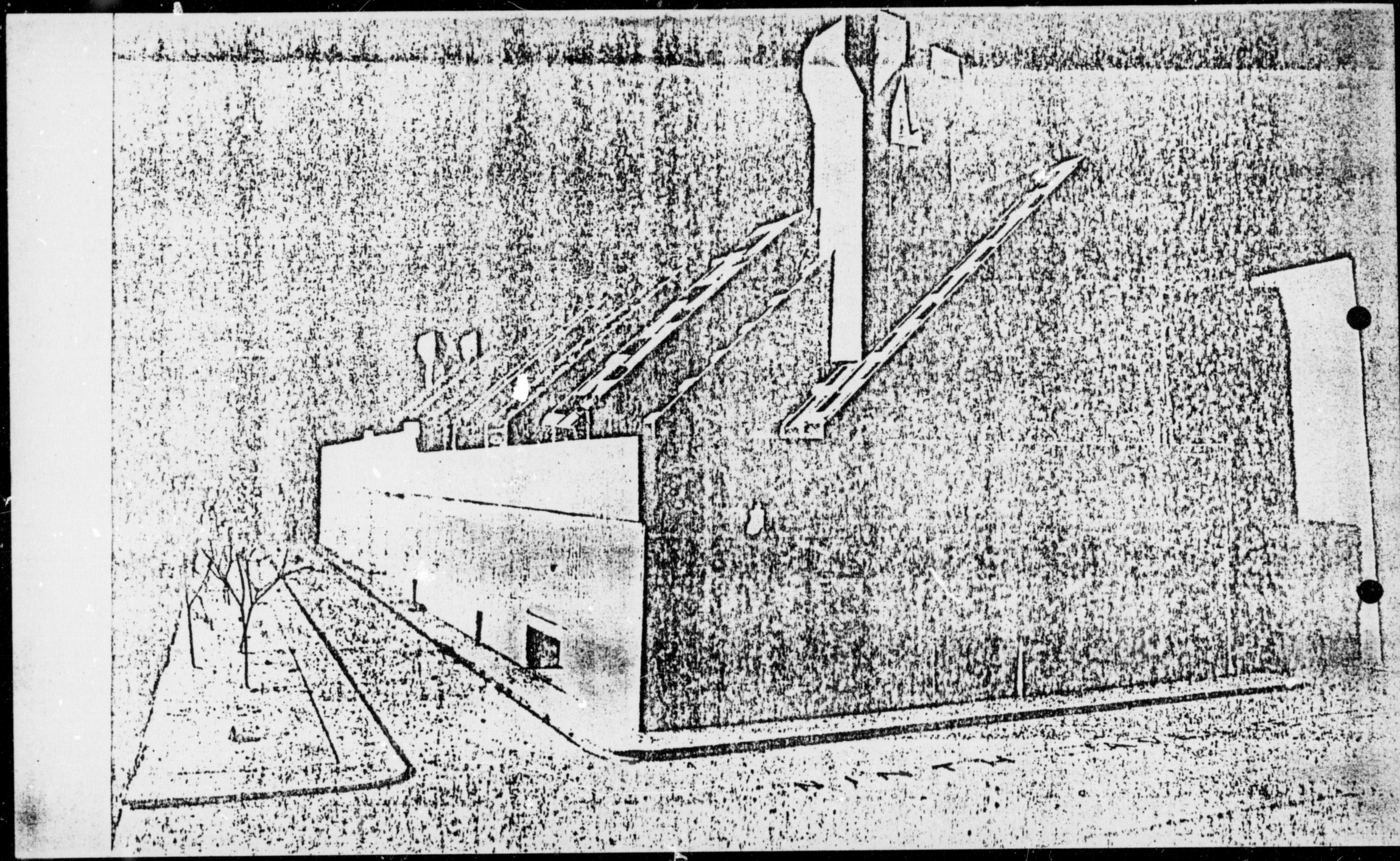
William V. Chapp

Subscribed and sworn to before me this 29th day of October, 1974.

Notary Public.

MY COMMISSION EXPIRES MAY 14, 1975


10TH AVENUE



74-2818

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

Filed 11/20/74.

| | | |
|---|---|---|
| Chelsea Neighborhood Associations, et al., Plaintiffs, | ) | |
| v. | ) | 74 Civ. 3702 RJW |
| United States Postal Service, et al., Defendants. | ) | |

SUPPLEMENT TO
DEFENDANT UNITED STATES POSTAL SERVICE'S
ANSWERS TO PLAINTIFFS' FIRST SET OF
INTERROGATORIES AND REQUESTS FOR DOCUMENTS

For answer to the plaintiffs' interrogatories numbered 7, 8, and 9, heretofore objected to, the defendant United States Postal Service by William V. Chapp its Program Manager for the Northeast Region, Program Management Division, Real Estate and Buildings Department, answers under oath as follows.

1. (Interrogatory #7) It is estimated currently that the total cost of the VMF, including the costs of the land, construction, architect-engineer services, and contracted administrative support, will be between $35.5 million and $45.6 million.

2. (Interrogatory #8) The estimate was made by William V. Chapp November 14, 1974, using an estimated construction cost range of $27 - $37 million furnished by Emery Roth & Sons October 25, 1974.

3. (Interrogatory #9):

   (A) $1,900,000, all of which is included in the estimate given in answer to Interrogatory #7.

   (B) 1 per cent per month.

   (C) January 15, 1975 - July 1, 1977.

William V. Chapp

William V. Chapp

District of Columbia, ss:

I, William V. Chapp, hereby make solemn oath that the above answers are true and correct to the best of my knowledge, information, and belief.

William V. Chapp

William V. Chapp

Subscribed and sworn to before me this 19th day of November, 1974.

Frances B Wells

Notary Public

District of Columbia

My Commission Expires November 30, 1977

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | |
|---|---|
| CHELSEA NEIGHBORHOOD ASSOCIATIONS, PENN SOUTH PARENTS, CHELSEA-ELLIOTT TENANTS ASSOCIATION, COUNCIL OF CHELSEA BLOCK ASSOCIATIONS, KELVIN L. and ELLA MARIE KEAN, BEVERLY RUBIN and FRANCES LOPATIN, | 74 Civ. 3702 (Judge Ward) |
| Plaintiffs, | |
| -against- | |
| UNITED STATES POSTAL SERVICE and E.T. KLASSEN, individually and as Postmaster General, | |
| Defendants. | |

VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs, by their attorneys, for their verified complaint, respectfully allege as follows:

1. This is an action for declaratory and injunctive relief to prevent the United States Postal Service from proceeding with construction of its so-called Vehicle Maintenance Facility -- in reality, a huge garage (the "Garage") -- between Ninth and Tenth Avenues and 28th and 29th Streets in the Chelsea section of Manhattan. Relief is sought on the grounds, among others, that in developing and carrying forward with its plan

to build the Garage, the Postal Service has failed to comply with the requirements of the National Environmental Policy Act [42 U.S.C. §§4321 et seq.] (hereafter "NEPA"); the Clean Air Act as amended [42 U.S.C. §§1857 et seq.], and Public Law 92-313, pursuant to which construction of air rights housing above the Garage has been authorized.

Jurisdiction

2. This Court has jurisdiction under:

28 U.S.C. §1331 (Federal Question)
28 U.S.C. §1337 (Laws Regulating Commerce)
28 U.S.C. §1361 (Mandamus)
28 U.S.C. §§2201-02 (Declaratory Judgment)
39 U.S.C. §409 (Postal Service Law)
42 U.S.C. §1857h-2 (Clean Air Act)
42 U.S.C. §§4321 et seq. (NEPA)

3. The matter in controversy exceeds ten thousand dollars, exclusive of interest and costs.

4. There exists between the parties an actual controversy, justiciable in nature, with respect to which the plaintiffs require a declaration of their rights by this Court.

5. Plaintiffs will suffer irreparable injury unless they obtain from this Court the relief requested in this complaint.

The Parties

6. Plaintiff CHELSEA NEIGHBORHOOD ASSOCIATIONS is an

association comprised and representing the interests of 16 separate organizations and groups on the West Side of Manhattan in the vicinity of the proposed Garage, and having as its principal objects and purposes the protection of the Chelsea community from incongruous intrusions such as the Postal Service Garage. Its constituent members include housing cooperative and tenants groups, block associations, parents organizations, environmental groups, a labor union and a synagogue. The combined membership of the collective organizations which make up the Chelsea Neighborhood Associations constitutes thousands of the most active residents in the Chelsea section, essentially all of whom will be exposed to increased air pollution, noise and other environmental indignities, and thereby adversely affected and aggrieved, if the Postal Service Garage is built.

7. Plaintiff PENN SOUTH PARENTS is an association of parents who live in the Penn South apartment complex directly to the east of the proposed Garage and most of whose children attend the local public school and preschool center immediately to the south. The principal objects and purposes of the Penn South Parents are to ensure adequate facilities and a safe surrounding environment for children within the apartments and in the neighborhood generally. The organization and its members are adversely affected and aggrieved by the actions herein complained of in that said members and their children will, if the Garage is built, be subjected to increased traffic hazards,

air pollution and noise, among other things.

8. Plaintiff CHELSEA-ELLIOTT TENANTS ASSOCIATION is an organization of the tenants who live in the public housing between 25th and 27th Streets and Ninth and Tenth Avenues, a block to the south of the proposed Garage. The principal objects and purposes of the Association are to improve the housing conditions of its members and the environment of the surrounding neighborhood. The Association's membership includes more than 4 0 0 families or individuals, essentially all of whom will be subject to increased traffic, noise and air emissions, and thereby adversely affected and aggrieved, if the actions herein complained of are not redressed and the Postal Service Garage is built.

9. Plaintiff COUNCIL OF CHELSEA BLOCK ASSOCIATIONS is a delegate assembly representing a large number of block associations in Chelsea between Eighth and Tenth Avenues south of the proposed Garage. The principal objects and purposes of the Council, which, through its constituent members, takes in more than 7,000 homeowners and tenants, are to promote and protect the stability of the Chelsea community and to coordinate the efforts of its members to that end. The Council, and the many individuals it represents through its member block associations, are adversely affected and aggrieved by the actions herein complained of in that, among other things, the increases in traffic and pollution that will follow if the Garage is built will

increase safety and health risks and generally demean the environment of Chelsea.

10. Plaintiffs KELVIN L. and ELLA MARIE KEAN are property owners in Chelsea, owning a home at 454 West 25th Street, three blocks south of the proposed Postal Service Garage. They are adversely affected and aggrieved by the actions herein complained of in that, if the Garage is built, traffic will increase substantially in front of their home, resulting in increased air pollution and noise, threatening their health and, on information and belief, reducing the value of their home.

11. Plaintiffs BEVERLY RUBIN and FRANCES LOPATIN are each the owners of cooperative apartments at 365 West 28th Street, directly overlooking the proposed Garage site. They are each adversely affected and aggrieved by the actions herein complained of, in that, if the Garage is built, they will be consistently and regularly exposed to increased exhaust emissions and noise within their homes. In addition, Mrs. Ruben, a polio victim who must use a wheelchair, has previously been confined to a respirator; and, on information and belief, her health would be immediately and adversely affected by any increase in air pollution in her apartment.

12. Defendant UNITED STATES POSTAL SERVICE (the "Postal Service") is an independent establishment of the executive branch of the Government of the United States [39 U.S.C. §201]

which, among other things, is charged with providing for mail delivery within the United States and to countries abroad, and is directly responsible for the planning and construction of the proposed Garage. Defendant E. T. Klassen is the Postmaster General and chief executive officer of the Postal Service and, together with his predecessors, successors and authorized delegates, is included in all references to the "Postal Service" hereinafter set forth.

The Project and Its Setting

13. The Postal Service proposes to build its Garage between Ninth and Tenth Avenues and 28th and 29th Streets, on land that it owns in the Chelsea section of Manhattan.

14. The Garage would be multi-storied, with an 80-foot high concrete wall facing to the south onto Chelsea Park, and similar, though somewhat lower walls on the remaining three sides.

15. The Garage would contain approximately 800,000 square feet of interior space; would include extensive service and repair facilities; and would provide parking spaces for 918 Postal Service vehicles, including heavy tractor-trailers, trucks and automobiles.

16. The Postal Service has estimated that there will be an average of 2,200 truck trips per weekday into and out of the Garage, with peak activity occuring between 5 A.M. and 7 A.M., when 160 to 180 movements per hour of light and medium vehicles

would be added to the constant projected flow of big five-ton and diesel trucks of between 30 and 60 trips per hour. These figures are exclusive of private auto trips to and from the Garage by such of the 1,500 Postal Service personnel as drive to work, and exclusive as well of an estimated 1,000 additional daily postal truck trips to the Morgan Postal Station immediately to the north of the Garage.

17. Vehicle traffic resulting from and associated with the Garage will result in substantial emissions of carbon monoxide (CO), nitrous oxides ($NO_x$) and hydrocarbons (HC), both in the streets immediately surrounding the Garage and also through much of the remainder of Chelsea due to the increased truck trips and the proposed closing of 29th Street, which would increase traffic loads on other cross-town streets. Upon information and belief, in a number of instances and locales, the resulting concentrations of emissions will exceed the standards designated by the U. S. Environmental Protection Agency as necessary to protect health.

18. Vehicle traffic resulting from and associated with the Garage will also significantly increase noise around the Garage and along Ninth and Tenth Avenues, including, on information and belief, during early morning and late evening hours, to levels generally considered excessive for sleep.

19. The increased vehicle traffic resulting from and associated with the Garage will also increase hazards to residents and



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other pedestrians, particularly along Ninth Avenue and on cross-town residential streets.

20. On information and belief, construction of the Garage could also result in significant land use changes in surrounding areas, particularly to provide parking spaces for employees, in which event residential units could be lost and exhaust emissions further increased.

21. Notwithstanding the increased traffic, exhaust emissions and noise, under the Postal Service's current proposal, and purportedly in accordance with air rights authorization granted under Public Law 92-313, there would be constructed on top of the Garage, on a platform 60 to 80 feet above sidewalk level, residential housing which, in connection with the Postal Service's environmental evaluation, was assumed to include two 27-story towers and 864 apartment units, but which, on information and belief, as now under discussion, would contain far fewer units. In any event, no final plans for the housing have yet been drawn, nor has an environmental evaluation conforming with NEPA yet been made for that portion of the project.

22. The Chelsea community, which surrounds the proposed Garage site is primarily residential. Immediately to the south of the site is the Chelsea Park, occupying half of a double block area and containing a New York City Health Center. Public School 33, the Hudson Guild and the Chelsea-Elliott public housing cover the balance of the area. From there, moving south,



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHELSEA NEIGHBORHOOD ASSOCIATION, et al.,

Filed 11/20/74

6. Deny each and every allegation in paragraph 21

the area is almost completely residential, with a mix of public and private housing, including a large number of renovated brownstones and brick homes, as well as large apartment developments such as London Terrace. Similarly, to the east of the site, running from 19th to 23rd Street, are the Penn South Houses, one of the largest union-sponsored housing projects in the country, providing homes for approximately 6,000 persons. Across 29th Street, north of Penn South, are additional brownstone residences and French Hospital, while the Church of the Holy Apostles, a federal landmark, stands at the corner immediately opposite the Garage site.

23. Throughout the years, a strong sense of community has developed in the Chelsea neighborhoods, resulting in one of the most stable, yet economically and ethnically diverse communities in the entire city. It is into this community, with its basically residential base, that the Postal Service would thrust its Garage.

Chronology of Events

24. On information and belief, the Postal Service determined to construct the Garage at the Chelsea site sometime in or before 1972, having acquired that site through condemnation and the razing of residential and commercial structures several years before.

25. In the course of the planning process for the facility, Congress enacted a statute [P.L.92-313] authorizing the Postal Service to grant air rights over the Garage to the City of New York for the purpose of constructing "a high-rise residential tower,"



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diesel trips will be to or from the VMF.

6. Deny each and every allegation in paragraph 21

or, if the Garage was not constructed, to sell the site to the City for public housing use.

26. The construction of the proposed Garage constitutes "a major federal action significantly affecting the human environment" within the meaning of NEPA. In an effort to comply with the statute, the Postal Service arranged with the U.S. Army Corps of Engineers (the "Corps") to prepare an Environmental Impact Statement for the Garage. A draft impact statement was issued in November 1973, and a "public hearing" was held in January 1974. One or more of the plaintiffs and their constituent members submitted comments on the impact statement and, together with many other individuals and community organizations, expressed their objections to the Garage at the public hearing.

27. Notwithstanding the strong community opposition, the Postal Service determined to proceed with the Garage and, on or about March 26, 1974, issued through the Corps its "Final Environmental Statement" purporting to comply with NEPA and reflecting the decision to proceed. Requests for an extension of time to submit further comments were rejected by the Postal Service in April.

28. On July 15, 1974, by certified letter from their counsel, the Chelsea Neighborhood Associations made formal demand on the Postal Service to abandon the Garage project and convey or lease the site to New York City for housing purposes, citing in support of such demand the legal objections to the project which form the basis of this lawsuit.



30 except deny that there was no consideration of the Yale Express Company garage.

29. By the same letter, the Chelsea Neighborhood Associations drew to the attention of the Postal Service, and asked it to consider, a new alternative which had only recently become available--to wit, the use of an existing truck terminal and maintenance facility nine blocks to the north which was (and still is) being offered for sale by Yale Express at a price far below the estimated $35 million cost of the Chelsea Garage.

30. By letter dated August 15, 1974, the Postal Service rejected the demands made by the Chelsea Neighborhood Associations, without reference to or apparent consideration of the new alternative, despite its continued availability on the market.

31. On information and belief, the Postal Service will, unless restrained by this Court, proceed shortly to the construction of the Garage; and by reason of the foregoing, and having exhausted their administrative remedies, plaintiffs are threatened with irreparable injury, and have no adequate remedy at law.

First Claim for Relief

32. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 through 31 of this complaint.

33. Throughout its environmental review, the Postal Service consistently used the air rights housing as a justification for the Garage and, treating the housing as an integral part of the overall Garage project, measured it as the principal benefit that would result.



18. Deny paragraph 57 to the extent it alleges that the Postal Service is required to obtain an indirect

34. Notwithstanding the foregoing, no environmental evaluation in compliance with NEPA was made for the housing, nor, upon information and belief, has any such evaluation yet been made. As a consequence, many important environmental impacts, including but not limited to air pollution and community impact, have not been assessed in the manner required by NEPA.

35. The failure to subject the housing elements of the Garage project to NEPA review at the same time that the benefits of such housing were treated as primary justifications for the Garage itself constituted a violation of NEPA, and an improper separation of the housing elements from the overall Garage project.

Second Claim for Relief

36. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 through 35 of this complaint.

37. On information and belief, there are a number of additional building projects scheduled over the next five years in and around the Chelsea community, which may have the impact of increasing traffic and resulting in air and noise pollution in said community.

38. Notwithstanding the foregoing, the Postal Service, in its environmental impact evaluation, treated the Garage in isolation and without regard to other traffic-generating construction. As a consequence, the impact of the Garage as one of a number of



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5. No separate Environmental Impact Statement is required for the housing portion of the project at this

cumulative insults was never evaluated.

39. The failure of the Postal Service to have evaluated the Garage in the context described above, and to have considered its impacts in cumulation with other pending and imminent new construction, was in violation of NEPA.

Third Claim for Relief

40. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 through 39 of this complaint.

41. The Environmental Impact Statement filed by the Postal Service is inadequate and does not meet the requirements of NEPA for the reasons set forth in plaintiffs' First and Second Claims for Relief, and for additional reasons which include, but are not limited, to the following:

A. The Statement does not accurately and adequately discuss the increased noise and the air pollution that would result in the Chelsea community by reason of the Garage.

B. The Statement does not accurately or adequately discuss or consider the pressures on land use and the impacts on the stability of the Chelsea community that would result from the Garage, nor does it consider similar and additional social impacts that could follow from the housing element of the overall project.

C. Insofar as housing is discussed, the assumed character, design and capacity of the housing does not, on information and belief, reflect current plans for such housing, and thus even the limited discussion is inaccurate and inadequate.

D. The Statement does not accurately or adequately discuss or consider the energy requirements flowing from and associated with construction and operation of the overall Project, including additional electrical loads that may be imposed.

E. The Statement does not adequately discuss a number of feasible alternatives (including scatter site facilities) which, though mentioned, received no meaningful evaluation; and the Statement fails to mention altogether, or otherwise consider as an alternative, the use of the existing terminal and maintenance facilities north of the Garage site referenced in paragraph 29 of this complaint.

Fourth Claim for Relief

42. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 through 41 of this complaint.

43. As set forth in the Environmental Impact Statement developed for the Postal Service, the Garage will result in increased emissions of nitrous oxides and hydrocarbons in the

Chelsea area which, in cumulation with emissions from other sources, will result in violations of the primary standards for health protection promulgated by the U.S. Environmental Protection Agency.

44. The decision of the Postal Service to proceed with the Garage in the face of admitted violations of clean air standards was and is in derrogation of the substantive mandates of NEPA and, therefore, aribtrary and capricious, an abuse of discretion and contrary to law.

Fifth Claim for Relief

45. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 through 44 of this complaint.

46. As heretofore alleged, an alternative site for the Garage has become available since the submission of the Environmental Impact Statement, which is peculiarly suited to the needs of the Postal Service. The alternative is an existing truck garage and terminal built in 1965 by the Yale Express Company. Located in a non-residential area, between 39th and 40th Streets and Eleventh and Twelfth Avenues, the Yale Express garage is now on the market at a cost of $8.5 million (as compared to the quoted cost for the proposed Postal Service Garage of $35 million) and could, on information and belief, provide facilities equivalent to those of the Postal Service Garage with far less

Environmental detriment to the residents of Chelsea and New York City generally, and with cost savings in excess of $14 million.

47. The Yale Express garage provides such an unusual and environmentally more acceptable means of meeting the Postal Service's needs that, if not on its own initiative, at least when drawn to its attention, the Postal Service should have undertaken to evaluate the alternative in detail and to determine the costs and benefits of its use. On information and belief, this was not done.

48. The failure of the Postal Service to consider and seriously assess the alternative provided by the Yale Express garage was in violation of NEPA, and also in violation of the statute governing the Postal Service which requires that in the planning and building of new postal facilities, the Service must emphasize the "control of costs" [39 U.S.C. §101(g)].

Sixth Claim for Relief

49. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 through 48 of this complaint.

50. By reason of the various failures heretofore described, the action of the Postal Service in proceeding to construction of the Garage violates both the procedural and substantive mandates of NEPA and is arbitrary, capricious and an abuse of discretion, and violates the Postal Service law.

## Seventh Claim for Relief

51. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 through 50 of this complaint.

52. As heretofore alleged, in its evaluation of the Garage, the Postal Service continuously held out the air rights housing as one of the principal benefits of the project.

53. In undertaking such evaluation and measuring the purported benefits of the housing, the Postal Service assumed the construction of two separate 27-story high-rise residential towers above the Garage, all as reflected in the Environmental Impact Statement for the Garage.

54. Public Law 92-313 authorizing the conveyance of air rights to New York City for the construction of housing limits such housing to "a residential tower."

55. The proposal of the Postal Service to construct two high-rise towers above the Garage is beyond the statutory authorization. As a consequance, the evaluation of the Garage based on two towers was fatally flawed, and the decision of the Postal Service based thereon was and is improper.

## Eighth Claim for Relief

56. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 through 39 and 43 of this complaint.

57. Under the regulations issued by the State of New York pursuant to the Clean Air Act, and in implementation thereof, before any new facility can be constructed in the County of New York containing any new parking spaces, an indirect source permit must first be obtained from the State which, in this case, acts through its delegate, the City of New York.

58. As heretofore alleged, the Garage will contain new parking spaces for 918 vehicles, to which may be added as many as 160 new spaces for housing residents.

59. Notwithstanding the foregoing, the Postal Service, on information and belief, has not obtained an indirect source permit and does not intend to do so.

60. Plaintiffs have made demand on the Postal Service to comply with the law and given notice of violation as required by Section 304 of the Clean Air Act, but the Service has rejected the demands. Notice and demand have also been made upon the U.S. Environmental Protection Agency, the State and the City, as required by Section 304, but no responses have been received.

61. The action of the Postal Service in proceeding to construction of the Garage without first obtaining an indirect source permit violates both Federal and State clean air laws.

WHEREFORE, plaintiffs pray for judgment:

A. Declaring that the actions of the Postal Service in proceeding to or with construction of the Garage are illegal and improper under NEPA and the Clean Air laws;

B. Enjoining the Postal Service, and its officers, agents, representatives, contractors and employees from proceeding with construction of the Garage unless and until there has been full and good-faith compliance with NEPA and the Clean Air laws, including through the preparation of a new Environmental Impact Statement;

C. Mandating the Postal Service to develop information on the alternate Yale Express garage, and to consider in the light of such information whether the Garage need be or should be built;

D. Granting such preliminary relief as may be necessary to prevent irreparable injury to plaintiffs pending the trial of this action and the making and entry of final judgment;

E. Awarding plaintiffs reasonable attorneys' fees, together with the costs and disbursements of this action; and

F. Granting plaintiffs such other and further relief as this Court may deem just and proper.

Dated: New York, New York
August 26, 1974

BERLE, BUTZEL & KASS
Attorneys for Plaintiffs

By Albert K. Butzel
Albert K. Butzel
Office and P.O. Address
425 Park Avenue
New York, New York 10022
Tel: (212) 838-2700

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# V E R I F I C A T I O N

HILDA M. REGIER affirms that she resides at 460 West 23rd Street, New York, N.Y. 10011, that she is Chairperson of the Chelsea Neighborhood Associations and President of the Council of the Chelsea Block Associations, two of the plaintiffs herein, that she has read the foregoing complaint and knows the contents thereof and that the same is true of her own knowledge except as to the matters therein stated to be alleged on information and belief, and as to those matters she believes them to be true.

This affirmation is submitted in lieu of a sworn statement in that I am a Mennonite and I am prevented by my religious convictions and belief from taking an oath.

Hilda M. Regier

HILDA M. REGIER

bj
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Filed 11/20/74

CHELSEA NEIGHBORHOOD ASSOCIATION, et al.,

Plaintiffs,

-v-

UNITED STATES POSTAL SERVICE, et al.,

Defendants.

ANSWER
74 Civ. 3702 (RJW)

Defendants United States Postal Service and E. T. Klassen by their attorney, Paul J. Curran, United States Attorney for the Southern District of New York, for their answer to the complaint herein:

1. Deny each and every allegation in paragraph 1 of the complaint, except admit that the Postal Service is proceeding towards construction of a Postal Vehicle Parking and Maintenance Facility (hereinafter "VMF") in the stated location.

2. Deny each and every allegation contained in paragraphs 2, 4, 5, 17, 18, 19, 20, 33, 35, 36, 39, 41, 41A, 41D, 41E, 43, 44, 47, 48, 50, 55, 61.

3. Deny knowledge or information sufficient to form a belief as to the allegations in paragraphs 6, 7, 8, 9, 10, 11, 23, 37.

4. Admit the allegations contained in paragraph 13 except deny that the VMF site is within the Chelsea residential area. The site is on the northern perimeter of Chelsea.

5. Deny each and every allegation in paragraph 16 except admit that there will be an estimated average of 2,200 truck trips per weekday into and out of the VMF, with peak activity occurring between 5 AM and 7 AM when there will be 60 to 100 movements per hour of light and medium vehicles; not all of the 30 to 60 five-ton and

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New York
Date Entered March 25, 1975

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diesel trips will be to or from the VMF.

6. Deny each and every allegation in paragraph 21, except admit, upon information and belief, that residential housing will be constructed on a platform 60 to 80 feet above the sidewalk level by either the New York City Housing and Development Administration (hereinafter "City") or the New York State Division of Housing and Community Renewal ("State") perhaps with financing by the Department of Housing and Urban Development (HUD). Upon information and belief the residential housing proposals would include two twenty-seven story towers with 864 apartment units, but there are other proposals now under consideration by the City and State. Upon information and belief no formal application to HUD for financing has been received by HUD; no final plans for housing have been drawn and no separate Environmental Impact Statement has been made for the residential housing. No such statement is required to be made by the Postal Service.

7. Admit the allegations contained in paragraph 22, except deny that the Chelsea community surrounds the VMF. The VMF site is on the northern perimeter of Chelsea.

8. Admit the enactment of P.L. 92-313, the provisions of which speak for themselves.

9. Deny each and every allegation contained in paragraph 26, except admit the last two sentences and that the Postal Service arranged with the U.S. Army Corps of Engineers to prepare an Environmental Impact Statement for the VMF, in accordance with its own regulations, 39 CFR 775.

10. Deny each and every allegation in paragraph 27, except admit that the Postal Service determined to proceed with the VMF and on or about March 26, 1974, issued through the Corps its "Final Environmental Statement", and in April 1974 rejected requests for an extension of time to submit further comments.

11. Admit the allegations contained in paragraph

30 except deny that there was no consideration of the Yale Express Company garage.

12. Deny each and every allegation contained in paragraph 31, except admit that the Postal Service intends to proceed with the construction of the VMF.

13. Deny each and every allegation contained in paragraph 34 except admit that upon information and belief no separate Environmental Impact Statement for the housing portion of the project has been made. Even if the Postal Service is required to make an Environmental Impact Statement as to the VMF, none is required to be made by the Postal Service as to the housing portion. Even if one is required for the housing portion, lack of such a statement does not preclude construction of the VMF portion. The Postal Service has prepared an Environmental Impact Statement as to the VMF which is adequate in all respects.

14. Deny each and every allegation contained in paragraph 41B, except admit that the Final Environmental Statement does not address itself, and is not required to, as fully to impacts of air-rights housing portion as it does to the VMF.

15. Deny each and every allegation contained in paragraph 41C but admit to the extent stated in paragraph 6 of this Answer.

16. Deny each and every allegation contained in paragraph 46, except admit that the Yale Express Company garage located between 38th and 40th Streets is now for sale, and became available only after the Final Environmental Statement was filed. Deny knowledge or information sufficient to form a belief as to the sale price of the Yale Express Company garage.

17. Deny the allegation in paragraph 54 to the extent it alleges that PL 92-313 precludes construction of two residential towers.

18. Deny paragraph 57 to the extent it alleges that the Postal Service is required to obtain an indirect source permit from the City or State of New York.

19. Deny each and every allegation contained in paragraph 58 except admit that the VMF will provide parking spaces for 918 Postal Service vehicles, including heavy tractor-trailers, trucks and automobiles.

20. Admit the allegations contained in paragraph 60, except deny knowledge or information sufficient to form a belief with respect to the notice and demand and response to the State and City; upon information and belief, plaintiffs' notice and demand to the U.S. Environmental Protection Agency (USEPA) was responded to by the Deputy Regional Administration of the USEPA who advised there is "no basis for a civil action for a violation under Section 304 of the Clean Air Act on the facts as we know them."

21. Admit the allegations contained in paragraphs 3, 10, 14, 15, 24, 26, 29, 52, 53, 59.

Affirmative Defenses

1. The plaintiffs lack standing to bring this action.

2. NEPA, 42 U.S.C. §4321 does not apply to the Postal Service. 39 U.S.C. §410. Therefore no Environmental Impact Statement is required.

3. The Postal Service complied with its own regulations on environmental statement procedures and even if it had not, noncompliance is not a basis for suit by plaintiffs.

4. The Postal Service has made an Environmental Impact Statement with respect to VMF which is adequate in all respects.

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5. No separate Environmental Impact Statement is required for the housing portion of the project at this time but if one is ultimately required the Postal Service is not required to make it and in any event the lack of such a statement does not preclude construction of the VMF.

6. The case is not ripe for adjudication as to any question relating to the adequacy of the Environmental Impact Statement as to the housing portion.

7. The Clean Air Act, 42 U.S.C. § 1857h-2 does not apply to the Postal Service. 39 U.S.C. § 410.

8. Even if the Clean Air Act does apply to the Postal Service, the Postal Service is not required to obtain a source permit from the City or State of New York.

9. This Court lacks jurisdiction over the subject matter.

10. The plaintiffs have failed to state a claim on which relief can be granted.

WHEREFORE, defendants pray for a judgment dismissing this action, together with costs and disbursements of this action, and for such other relief as is just and proper.

Dated: New York, New York
November 20, 1974

PAUL J. CURRAN
United States Attorney for the
Southern District of New York
Attorney for the United States
of America

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Mr. Siffert
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Copy

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
FILED
FEB 25 1975
S. D. OF N.Y.

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CHELSEA NEIGHBORHOOD ASSOCIATIONS, PENN SOUTH PARENTS, CHELSEA-ELLIOTT TENANTS ASSOCIATION, COUNCIL OF CHELSEA BLOCK ASSOCIATIONS, KELVIN L. and ELLA MARIE KEAN, BEVERLY RUBIN and FRANCES LOPATIN,

Plaintiffs,

-against-

UNITED STATES POSTAL SERVICE and E.T. KLASSEN, individually and as Postmaster General,

Defendants.

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OPINION

74 Civ. 3702

#41939

A P P E A R A N C E S

BERLE, BUTZEL & KASS
425 Park Avenue
New York, New York 10022
Attorneys for Plaintiffs

PETER A. A. BERLE, ESQ.
PETER J. MILLOCK, ESQ.
Of Counsel

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New York, New York 10007
Attorney for Defendants

JOHN SIFFERT, ESQ.
Of Counsel

WARD, J.

Plaintiffs, individuals residing in the Manhattan community of Chelsea and organizations representing different segments of the Chelsea community, move for an order pursuant to Rule 65, Fed. R. Civ. P., granting a preliminary injunction enjoining defendants, United States Postal Service and E.T. Klassen, from proceeding with the construction of a Vehicle Maintenance Facility ("VMF") located in the square block bounded by Ninth and Tenth Avenues and 28th and 29th Streets in Manhattan. Defendants cross-move for an order pursuant to Rules 12(b)(6) and 56, Fed. R. Civ. P., dismissing this action or granting them summary judgment. For the reasons hereinafter stated, plaintiffs' motion is granted and defendants' cross-motion is denied.

The subject matter of this action, as summarized in the Environmental Statement ("EIS") filed by the Postal Service, is the construction

> "of a major U.S. Postal Service vehicle maintenance facility (VMF) in combination with a multi-story housing project in the lower West Side of the Borough of Manhattan, New York City. The project will occupy an entire city block, presently vacant, adjacent to the Morgan Station mail processing center. Features of the proposed action are a multi-story VMF, a housing project of approximately 860 units utilizing air rights space above the VMF, and the closure of 29th Street between Ninth and Tenth Avenues to non-postal traffic, except during the evening rush period."
> (EIS at 1)

The site of the proposed project is immediately north of Chelsea Park and P.S. 33 and west of the Penn South housing complex at the northern end of the Chelsea residential community. Known as the "Morgan Annex" site, the property was originally acquired by the Post Office Department in 1908 for use as a mail processing annex to Morgan Station. This original plan was abandoned when the Postal Service decided to build a large bulk foreign mail processing facility in Secaucus, New Jersey. Since the demolition of the housing, garages and small manufacturing facilities which occupied the site, the Postal Service has used the property for parking postal trucks, trailer units and employee vehicles.

It appears that the Postal Service began considering construction of a VMF on the Morgan Annex site in 1971. In the fall of that year, Postal Service officials apprised city government officials and congressional representatives of the proposed action. Local citizens and government officials, however, were anxious to obtain the site for residential development. Consequently, on June 16, 1972, Congress enacted Section 6(b) of P.L. 92-313, 86 Stat. 216 which required the Postal Service to grant New York City the air rights over the postal facility at the Morgan Annex site for residential use and to construct its facility in such a manner as to permit

this residential construction.[1]

During the early fall of 1972, the Postal Service directed the Army Corps of Engineers, New York District, to prepare an Environmental Statement for the proposed project. The initial draft of this Statement dated December 15, 1972 was released to local interest groups and city officials in January, 1973. Meetings were held and comments were received. The Revised Draft Environmental Statement was issued in November, 1973. This draft was circulated and comments were requested. The Final Environmental Statement, dated March 26, 1974, was submitted to the Council on Environmental Quality which published its receipt on April 8, 1974 in the Federal Register. 39 Fed. Reg. 12783.

The VMF portion of the project will contain approximately 800,000 square feet of multi-story interior space rising approximately 80 feet above street level. It will provide parking space for 918 postal vehicles, including 771 trucks, 93 tractors and 24 trailers. The facility is designed to include service and repair bays, wash racks, a paint and body shop, and dispatching and fueling facilities and operations. This VMF will serve all of Manhattan south of 41st Street and the west side of Manhattan north of 41st Street to 134th Street. It will replace three existing Postal Service facilities:

Leroy Street Garage, 34th Street Garage and Piers 74-76. Approximately 2,200 postal vehicle movements into and out of the VMF are anticipated on an average weekday with approximately 180 vehicle movements per hour between the hours of five and seven in the morning.

At the time the final EIS was issued, plans for the housing component of the project provided for a total of 864 apartment units divided between two 27 story towers and two low-rise apartment clusters. The towers front Ninth and Tenth Avenues with elevator entrances on each Avenue. Remaining portions of the VMF roof would serve as recreation areas and a plaza for the housing with attendant community services. The proposed housing mix was 60 percent moderate income, 30 percent low income and 10 percent senior citizens.

The housing component and the VMF component are not independent. Together, they comprise what the EIS calls a "structurally integrated VMF-housing project." The VMF is to provide the foundations for the housing and, therefore, determines many aspects of the latter's design. According to the final EIS:

> "The configuration of the housing component of the project -- that is, high rise apartment towers on the avenues and low-rise units mid-block -- has been dictated largely by the interior spatial and circulatory requirements of the VMF."
> (EIS VIII-3)

As a result, special accoustical treatment is required to insulate housing units fronting the avenues from unacceptable noise levels. A principal justification for rejection of alternative configurations of the housing component which would require less accoustical treatment was, according to the EIS, that these alternatives would reduce the "efficiency and utility of VMF interior spaces." The VMF is, likewise, structurally dependent upon the housing component. The former must have an exhaust system to control the air quality within the facility. The EIS states at III-19:

> "The entire VMF building will be ventilated with exhaust stacks on top of the air rights structure."

On July 15, 1974, the plaintiff Chelsea Neighborhood Associations by letter from its legal counsel made formal demand on the Postal Service to abandon the VMF and convey or lease the site to New York City for strictly residential purposes. Counsel requested that the Service consider another alternative site, "The Yale Express" site. By letter dated August 15, 1974, the Postal Service rejected this demand.

Plaintiffs instituted this action on August 26, 1974 seeking a declaration that in proceeding with construction of the VMF, the Postal Service violated the National Environmental Policy Act, 42 U.S.C. §§4321 et seq. (NEPA") and the Clean

Air Act, 42 U.S.C. §§1857 et seq., an injunction against construction of the facility until there is compliance with these laws and mandamus requiring the Postal Service to develop information on an alternate site for the VMF and reevaluate whether the VMF is needed and should be built.

The complaint alleges that the Postal Service consistently used the housing as a justification for the construction of the VMF without considering the environmental impact of the housing, improperly segmenting the project and thereby violating NEPA. It alleges further violations of NEPA in that the EIS, which was filed, failed to consider other construction projects scheduled in and around the Chelsea community, treating the VMF in isolation; inaccurately represented the noise and air pollution that would result from the VMF; and inadequately discussed feasible alternatives. The complaint alleges violations of the Clean Air Act in that air pollution from the VMF, in cumulation with that from other sources, will result in violations of primary standards for health protection promulgated by the United States Environmental Protection Administration. It, also, alleges violation of this statute in the failure to obtain a state indirect source permit. The complaint, also, alleges that the Postal Service violated 39 U.S.C. §101(g) in refusing to consider what is alleged to be the less costly Yale Express garage.

The Court has jurisdiction over this action pursuant to 28 U.S.C. §1331 and 39 U.S.C. §409.

Plaintiffs' motion for a preliminary injunction presents most of the issues raised by the complaint. Defendants' cross-motion to dismiss, or in the alternative for summary judgment, urges that neither NEPA nor the Clean Air Act apply to the Postal Service and that, if these statutes do apply, the Service has violated neither in connection with the planned construction of the VMF. Defendants do not contest plaintiffs' standing to raise these issues except the alleged violation of 39 U.S.C. §101(g).

The threshold question presented is whether the Postal Service is subject to NEPA. The defendants argue that 39 U.S.C. §410[2] exempts the Postal Service from the requirements of NEPA.

Only one case appears to have squarely dealt with whether the Postal Service is exempt from NEPA by virtue of §410. In City of Thousand Oaks v. United States et al., Civil No. 74-2186 (C.D. Cal. Sept. 3, 1974), the district court concluded that as NEPA was not one of the specific exceptions enumerated in §410(b), §410(a) exempted the Postal Service from the application of NEPA. In a brief per curium

order, the United States Court of Appeals for the Ninth Circuit, affirmed the judgment of the district court dismissing the action. However, the Court stated:

> "We do not approve the basis upon which the trial court dismissed. . . ."

The Court of Appeals affirmed the judgment of dismissal on the ground that the negative statement by the Postal Service was sufficient to show no environmental impact. City of Thousand Oaks v. United States et al., Docket No. 74-2685 (9th Cir. October 1, 1974). In light of the summary nature of the affirmance, the decision in City of Thousand Oaks, supra, is of limited precedential value in resolving the question before this Court. It does, however, suggest that defendants' reliance on §410 for relief from the requirements imposed by NEPA is misplaced. Such a conclusion is buttressed by the decision in Maryland National Capital Park and Planning Commission v. U.S. Postal Service, 487 F.2d 1029 (D.C. Cir. 1973). There, the court concluded that unless the environmental problems posed by the building of a Bulk Mail Center lacked "significance" a full impact statement under NEPA "would seem to be indicated." Id. at 1041. The decision implies that NEPA would be fully applicable to the Postal Service. However, as the §410 exemption is not discussed in the decision, it is not dispositive of the question now before this Court.

In order to resolve this question, it is first necessary to ascertain the purposes of NEPA. These are unequivocably declared in 42 U.S.C. §4321 which states:

> The purposes of this chapter are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

NEPA, also, expressly committed the Federal Government to environmental protection as a matter of national policy. 42 U.S.C. §4331 provides:

> (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may --

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

Thus,"NEPA, first of all, makes environmental protection a part of the mandate of every federal agency and department." Calvert Cliffs' Coordinating Committee, Inc. v. United States

Atomic Energy Commission, 449 F.2d 1109, 1112 (D.C. Cir. 1971). The direction to consider environmental values contained in NEPA and the broad application of the Act is plainly stated in 42 U.S.C. §4332:

> The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this chapter, and (2) all agencies of the Federal Government shall . . . . (emphasis added)

comply with the stringent procedural requirements of that section. Thus, the language of the Act clearly makes it applicable to all agencies of the Federal Government. The Council on Environmental Quality ("CEQ") has issued guidelines for the implementation of the Act. 40 C.F.R. §1500 (1974). The CEQ construes §4332(2)(C) of the Act as applicable to all agencies of the Federal Government and that the phrase "to the fullest extent possible" in §4332 is "meant to make clear that each agency of the Federal Government shall comply with that section unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible." 40 C.F.R. §1500.4 (1974). In Calvert Cliffs', the court reached a similar conclusion. It stated that "the Section 102 duties are not inherently flexible. They must be complied with to the fullest extent, unless there is a clear conflict of statutory authority." 449 F.2d at 1115 (footnote omitted).

Therefore, it becomes necessary to examine 39 U.S.C. §410 to determine whether that statute clearly conflicts with NEPA, expressly prohibits or makes compliance impossible. At the outset, the Court notes that the statute does not exempt the Postal Service from all federal laws except those enumerated in §410(b). Rather, it makes inapplicable to the Postal Service only those federal laws "dealing with public or Federal contracts, property, works, officers, employees, budgets or funds. . . ." 39 U.S.C. §410(a). These are words of limitation.

On its face, NEPA is a law dealing with environmental protection, not with contracts, property, employees or funds per se. The action forcing provisions of 42 U.S.C. §4332(2)(C) apply to "every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment . . . ." Although contracts, property, employees and funds may be incidentally involved in "actions" subject to NEPA, NEPA does not deal with or regulate these. Its scope is much broader. For example, it applies to internal agency rules and regulations. 42 U.S.C. §4333. See, e.g., Calvert Cliffs', supra. It applies to agency research and development programs. See, e.g., Scientists' Institute for Public Information, Inc. v. Atomic Energy Commission, 481 F.2d 1079 (D.C. Cir. 1973). It applies whenever an agency of the federal

government makes a decision which enables others to take action which affects the environment. See id. at 1088-89. The common denominator is that all of these actions have an impact on the environment.

There is nothing in the language of §410 on its face which prohibits or makes impossible application of such a broad expression of overriding national policy as NEPA.

Moreover, if further evidence of the extent of the §410(a) exemption is needed, it is provided by examination of the subsection (b) exceptions. All of these relate to statutes which specifically deal with contracts, property, works, employees and funds.[3]

If §410 was meant to be accorded the broad interpretation urged upon this Court by the defendants, it would have been unnecessary to include the specific exception for the Administrative Procedure Act ("APA") within subsection (a). Under accepted rules of statutory construction, the specific exception of a statute of such general applicability as the APA would preclude including other statutes of general applicability not specifically named or described in the statute.

Furthermore, 42 U.S.C. §4332 mandates that this Court construe 39 U.S.C. §410 in a manner which is consistent with the policies of NEPA. In light of the congressional policy expression contained in 42 U.S.C. §4331 and the extensive operations of the Postal Service which may have significant

impact on the environment, it would be a violation of §4332 to construe §410 more broadly than is required by its literal terms.

The defendants rely heavily on the legislative history of the Postal Reorganization Act in support of their argument that NEPA is inapplicable to the Postal Service. The Court has reviewed the legislative history and finds nothing therein which would support the defendants' contention. That history, as well as the legislation enacted, evinces concern only with removing the Postal Service from partisan politics, reorganizing its management and financial structure and providing parity with the private sector for employees in terms of wages and labor-management relations. It was hoped that as a result of these changes the Postal Service could operate in a more efficient and business-like manner. See H.R. Rep. Nos. 91-1104, 91-1363, 91st Cong. 2d Sess. (1970).

Requiring the Postal Service to comply with NEPA, in the context of this litigation, is in no way inconsistent with the Postal Service mandate. 39 U.S.C. §101(g) provides, in part, "In planning and building new postal facilities, the Postal Service shall emphasize the need for facilities and equipment designed to create desirable working conditions for its officers and employees. . . ." It would hardly be consistent with this duty to ignore the environment in which new facilities will be built and the environmental conditions these facilities create.

The only case cited to the Court in support of defendants' contention is Cohen v. Price Commission, 337 F. Supp. 1236 (S.D.N.Y. 1972). Although not conclusively deciding the issue, Judge Weinfeld held that it was unlikely that NEPA applied to the Price Commission because it was a temporary agency whose effectiveness was dependent upon its ability to act expeditiously. This is not the case with the Postal Service. The latter is a permanent establishment engaged in long-range planning and action in almost every populated area in the country. Accordingly, the Court holds that the Postal Service is subject to NEPA.

The defendants concede that the VMF is a major federal action significantly affecting the environment. Therefore, in view of the Court's holding that the Postal Service is subject to NEPA, a detailed environmental impact statement is required. The defendants also concede that the EIS filed does not completely analyze the environmental impact of the housing. Nonetheless, they argue that the Final EIS fully complies with NEPA.

At the outset, the Court notes that, throughout the EIS, the housing project is cited as one of the primary benefits to be derived from the construction of the VMF.[4] It was a major factor in the rejection of other alternatives.[5] In essence, defendants argue that they were justified in considering the beneficial aspects of the housing but they were

not required to detail its environmental impact because (1) the housing is too speculative and remote; (2) the Postal Service has no responsibility for the housing; and (3) eventually HUD will prepare an EIS for the housing.

Defendants' argument that the housing component is too speculative and remote to require an analysis of its environmental impact, at this time, reveals a significant omission in the EIS -- the failure to mention the possibility that the housing project may never be built. Indeed, there is much to indicate that this might well be the case. The EIS notes that noise levels at the site are "unacceptable," by HUD standards, for new housing construction.[6] It, therefore, notes that extensive accoustical treatment will be required if these standards are to be met, including air conditioning consuming 2500 kilowatts of electricity. There is no discussion as to whether the cost of providing these noise reducing features will render the development of low - and moderate - income housing economically unfeasible. HUD, in its comment letter, specifically requested that this be considered and discussed in the final impact statement.[7]

The failure to discuss in any meaningful fashion the economic feasibility of providing the accoustical treatment required is significant in that it renders the impact statement inadequate by virtue of its failure to fully dis-

close to all interested parties the very real possibility that the housing may not and cannot be built. Indeed, the New York City Housing & Development Administration ("HDA") pointed out, and the EIS duly noted, that the draft statement was misleading in that HDA could not commit itself to building the housing absent federal funds. HUD further requested that the final impact statement discuss an alternative means to vent the VMF exhaust fumes in the event that the housing was not built. The United States Environmental Protection Administration ("EPA"), also, noted that the discussion of alternatives failed to consider the environmental impact of construction of the VMF without the housing and suggested such a consideration be included. 40 C.F.R. §1500.10(a) requires that

> "where opposing professional views and responsible opinion have been overlooked in the draft statement and are brought to the agency's attention through the commenting process, the agency should review the environmental effects of the action in light of those views and should make a meaningful reference in the final statement to the existence of any responsible opposing view not adequately discussed in the draft statement, indicating the agency's response to the issues raised."

See also, Silva v. Lynn, 482 F.2d 1282, 1285 (1st Cir. 1973).

The EIS did not make a meaningful response to the issues raised by the comments of HDA, EPA and HUD. NEPA's

requirement of a detailed impact statement "seeks to ensure that each agency decision maker has before him and takes into proper account all possible approaches to a particular project (including total abandonment of the project) which would alter the environmental impact and the cost-benefit balance." Calvert Cliffs', supra at 1114. Certainly, the real possibility of the VMF standing without the housing would alter the environmental impact and the cost-benefit analysis. Although the EIS noted what the carbon monoxide levels would be without the housing, it continued to treat this as a temporary condition. It did not alter its cost-benefit analysis or its discussion of alternatives to consider the project without the housing.

At a minimum, NEPA is an "environmental full disclosure law" Silva v. Lynn, supra at 1285; Monroe County Conservation Council, Inc. v. Volpe, 472 F.2d 693, 697 (2d Cir. 1972). Given that there is a substantial possibility that the housing portion may never be built, the EIS is inadequate in that it fails to mention, let alone discuss in detail, this possibility and its consequences.

The second and third arguments raised by the defendants, in support of the adequacy of the EIS, point up another defect of major proportion in the EIS -- the failure to consider the environmental impact of the housing at this time.

It is now clear that NEPA "requires that agencies of the Federal government consider the impact of an overall program and not just isolated aspects of facilities." Atchison, Topeka and Santa Fe Railway Co. v. Callaway, 382 F. Supp. 610, 620 (D.D.C. 1974) (footnote omitted). Recognizing that the fundamental policies of NEPA would be frustrated if decisions ultimately involving significant environmental impact were to take place in an incremental and piecemeal fashion, the courts have required increasingly broad assessments of potential future actions in connection with any action taken in furtherance of future potential development. See, e.g., The Conservation Society of Southern Vermont, Inc. v. Secretary of Transportation, Docket No. 73-2629 (2d Cir. Dec. 11, 1974); Indian Lookout Alliance v. Volpe, 484 F.2d 11 (8th Cir. 1973); Scientists' Institute for Public Information, Inc., supra; Greene County Planning Board v. Federal Power Commission, 455 F.2d 412 (2d Cir.), cert. denied, 409 U.S. 849 (1972). Defendants seek to distinguish these authorities on two grounds. First, they argue that an EIS will eventually be prepared for the housing by HUD and to prepare one now would be premature. Second, they argue that the VMF has independent utility and, thus, they were permitted to segment the project and restrict their EIS to the VMF. Neither argument is persuasive.

A primary purpose of NEPA is to consider long-range effects and examine environmental consequences before there are "irreversible and irretrievable commitments of resources." See The Conservation Society of Southern Vermont, Inc. v. Secretary of Transportation, 362 F.Supp. 627 (D. Vt. 1973), aff'd, Docket No. 73-2629 (2d Cir. Dec. 11, 1974). To this end, the CEQ guidelines provide:

> "The objective of section 102(2)(C) of the Act and of these guidelines is to assist agencies in implementing these policies. This requires agencies to build into their decisionmaking process, beginning at the earliest possible point, an appropriate and careful consideration of the environmental aspects of proposed action in order that adverse environmental effects may be avoided or minimized and environmental quality previously lost may be restored."
> 40 C.F.R. §1500.1(a) (emphasis added).

> "As early as possible and in all cases prior to agency decision concerning recommendations or favorable reports on proposals for (1) legislation significantly affecting the quality of the human environment (see §§ 1500.5(i) and 1500.12) (hereafter 'legislative actions') and (2) all other major Federal actions significantly affecting the quality of the human environment (hereafter 'administrative actions'), Federal agencies will, in consultation with other appropriate Federal State and local agencies and the public assess in detail the potential environmental impact."
> 40 C.F.R. §1500.2(a) (emphasis added).

> "It is important that draft environmental statements be prepared and circulated for comment and furnished to the Council as early as possible in the agency review process in order to permit agency decision-makers and outside reviewers to give meaning-



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> ful consideration to the environmental issues involved. In particular, agencies should keep in mind that such statements are to serve as the means of assessing the environmental impact of proposed agency actions, rather than as a justification for decisions already made. This means that draft statements on administrative actions should be prepared and circulated for comment prior to the first significant point of decision in the agency review process."
> 40 C.F.R. §1500.7(a) (emphasis added).

The thrust of the cases and the CEQ guidelines is that NEPA analysis should take place at a point when a commitment of resources is made which forecloses other options. As has been noted, the design and construction of the VMF is largely determinative of the configuration of the housing which can be built. Moreover, the building of the VMF forecloses the option of building the housing at grade level. Thus, now is the time to consider the environmental effect of the housing component, rather than after the VMF is constructed and flexibility is lost.

That HUD will eventually prepare an EIS is not sufficient to relieve the Postal Service from its obligation. See National Resources Defense Council, Inc. v. Morton, 458 F.2d 827 (D.C. Cir. 1972). The CEQ has recognized that projects often will involve more than one agency and in its guidelines it has provided for this contingency. 40 C.F.R. §1500.7(b) states:

"Where more than one agency (1) directly sponsors an action, or is directly involved in an action through funding, licenses, or permits, or (2) is involved in a group of actions directly related to each other because of their functional interdependence and geographical proximity, consideration should be given to preparing one statement for all the Federal actions involved (see §1500.6(d)(1)). Agencies in such cases should consider the possibility of joint preparation of a statement by all agencies concerned, or designation of a single 'lead agency' to assume supervisory responsibility for preparation of the statement. Where a lead agency prepares the statement, the other agencies involved should provide assistance with respect to their areas of jurisdiction and expertise. In either case, the statement should contain an environmental assessment of the full range of Federal actions involved, should reflect the views of all participating agencies, and should be prepared before major or irreversible actions have been taken by any of the participating agencies. Factors relevant in determining an appropriate lead agency include the time sequence in which the agencies become involved, the magnitude of their respective involvement, and their relative expertise with respect to the project's environmental effects. As necessary, the Council will assist in resolving questions of responsibility for statement preparation in the case of multi-agency actions. Federal Regional Councils, agencies and the public are encouraged to bring to the attention of the Council and other relevant agencies appropriate situations where a geographic or regionally focused statement would be desirable because of the cumulative environmental effects likely to result from multi-agency actions in the area." (emphasis added)

The Postal Service has made no attempt to comply with this guideline nor has HUD given environmental clearance for this project. After the VMF is built, for the reasons noted above, preparation of an EIS by HUD may well be a "hollow exercise." See Calvert Cliffs', supra at 1128.

The second argument proffered by defendants, that the VMF has independent utility, is equally without merit since no EIS for the VMF, standing alone, was ever filed.

Throughout the EIS, the VMF and the housing are described as one project. They were presented to the public in that fashion. The Postal Service, having used the housing as a major justification for the VMF and as a principal benefit to be derived therefrom, cannot now eschew its responsibility for fully disclosing and evaluating the environmental impact of the combined project. Cf., Named Individual Members of the San Antonio Conservation Society v. Texas Highway Department, 446 F.2d 1013 (5th Cir. 1971), cert. denied, 406 U.S. 933 (1972).

In Sierra Club v. Callaway, 499 F.2d 982 (5th Cir. 1974), cited by defendants, the court considered the following factors relevant to the determination of whether a portion of a project could be segmented for NEPA purposes: the scope of the entire project, the timing of the construction of the various elements of the project and the interdependence of the components of the project. Considering each of these criteria, the defendants' argument must fail. First, the scope of the project is small -- one square block. Indeed, both components of the project will occupy the same square footage. As envisaged in the EIS, construction is to be consecutive, or as nearly consecutive as possible. Most important, however, as previously noted, the two projects are structurally inter-

dependent.

Thus, the Court holds that an EIS must be filed which fully discloses and evaluates the negative and positive environmental impact of both the VMF and the housing.

The defendants make one further argument which merits discussion. They argue that the EIS did address the environmental impact of the housing, albeit incompletely, in a manner which was reasonably adequate. The EIS did consider traffic associated with cars expected to be owned by residents of the housing. However, the Court notes that the EIS did not address itself to a number of other factors. For example, a housing complex of this size will require supporting services such as maintenance, garbage disposal, fuel deliveries and other commercial services attendant upon residential usage. The generation of this sort of traffic is nowhere considered. Much of this will be additional truck traffic. The resultant noise and air pollution is not considered, nor is the effect such traffic will have on the operations of the VMF.

The EIS, also, discusses the housing project impact on health, school, and park facilities, as well as, public utilities. From the limited discussion, it is apparent that school and park facilities will be overburdened.

Suffice to say that what is not discussed is as relevant as what is, for nothing less than "full consideration" can satisfy NEPA. Calvert Cliffs', supra at 1128. The Court

does not presume to dictate all that should be included in an EIS in order to give "full consideration" to the environmental impact of the housing.

However, the Court notes that nowhere does the EIS give meaningful consideration to the problems posed by such high density dwellings, containing large open space, completely isolated from the surrounding environment. See, e.g., J. Jacobs, The Death & Life of Great American Cities (1961). These are problems which will affect both the project residents and the Chelsea neighborhood in general. For example, crime and crime control are problems which have an environmental impact which must be considered in detail. See Hanly v. Kleindienst, 471 F.2d 823 (2d Cir. 1972), cert. denied, 412 U.S. 908 (1973). 42 U.S.C. §4332(A) requires that the Postal Service take an interdisciplinary approach using the social sciences in decision making of the sort here contemplated. Such an approach is lacking in the EIS prepared by the Postal Service and renders it inadequate.

There is another respect in which the EIS is procedurally inadequate and fails to comply with NEPA -- the discussion of alternatives. The Court has already noted one alternative which is completely omitted -- the VMF without housing. However, the EIS is inadequate in its discussion of the alternatives it does mention. As the Court said in Monroe County Conservation Council, Inc., supra at 697-98:

> "The statement makes passing mention of possible alternatives to the proposed action . . . but it does so in such a conclusory and uninformative manner that it affords no basis for a comparison of the problems involved with the proposed project and the difficulties involved in the alternatives. The requirement for a thorough study and a detailed description of alternatives, which was given further Congressional emphasis in §4332(2)(D), is the linchpin of the entire impact statement. Without the detailed statement the conclusions and decision of the agency appear to be detached from and unrelated to environmental concerns, see, Natural Resources Defense Council, Inc. v. Morton, 148 U.S. App. D.C. 5, 458 F.2d 827, 833-837 (1972); see also, Greene County Planning Bd. v. Federal Power Comm., 455 F.2d 412, 419 (2 Cir.), cert. denied, 409 U.S. 849, 93 S. Ct. 56, 34 L. Ed. 2d 90 (1972). Consideration, of course, must also be given to the feasibility and impact of the abandonment of the project. Calvert Cliffs', supra, 449 F.2d at 1114; Seaborg, supra, 463 F.2d at 787." (footnote omitted) (emphasis added)

"Passing mention" in a "conclusory and uninformative manner" precisely describes the discussion of the "NO ACTION"[8] and "SCATTER SITE" alternatives. Neither furnish any data or information to support the conclusions drawn. Such a deficiency renders an EIS fatally inadequate. See, e.g., Monroe County Conservation Council, Inc., supra; Silva v. Lynn, supra at 1286-87; Atchison, Topeka and Santa Fe Railway Co., supra at 623; I-291 Why? Association v. Burns, 372 F. Supp. 223, 247-53 (D. Conn. 1974).

Defendants argue that their discussion of alternatives is reasonable and they need not set forth in the EIS detailed statements concerning alternatives which they know to be inadequate. It is true that the requirement of a detailed dis-

cussion of alternatives is subject to a construction of reasonableness. Life of the Land v. Brinegar, 485 F.2d 460 (9th Cir. 1973). However, all this means is that "there is no need for an EIS to consider an alternative whose effect cannot be reasonably ascertained, and whose implementation is deemed remote and speculative." Id. at 472. Neither of these criteria apply to the "NO ACTION" and "SCATTER SITE" alternatives. The discussion of alternatives need not be exhaustive; however, "[w]hat is required is information sufficient to permit a reasoned choice of alternatives so far as environmental aspects are concerned." Natural Resources Defense Council, Inc., supra at 836. In determining when an EIS contains sufficient information, it should be kept in mind that one of the fundamental purposes of the "detailed statement" requirement is to "insure the integrity of the process of decision" (Silva v. Lynn, supra at 1285) and "[provide] evidence that the mandated decision making process has in fact taken place" for the agency decision makers, other interested agencies, and the public at large. Calvert Cliffs', supra at 1114. This evidence is absent in the instant case. The EIS indicates that postal vehicles will travel an additional 580 miles daily by abolishing the Leroy Street facility and relocating the vehicles serviced there to the VMF. In light of this fact, the conclusory statements of the EIS with respect to the "NO ACTION" and "SCATTER SITE" alternatives do not give this Court sufficient information, with regard to the basis for

of the VMF.

Settle order on notice.

Dated: February 25, 1975

U. S. D. J.

NOTES

1 Section 6(b) of P.L. 92-313, 86 Stat. 216 provides:

> (b)(1) The United States Postal Service shall grant to the City of New York, without reimbursement, air rights for public housing purposes above the postal facility to be constructed on the real property bounded by Twenty-eighth and Twenty-ninth Streets, Ninth and Tenth Avenues, in the City of New York (the Morgan Annex site), such facility to be designed and constructed in such manner as to permit the building by the City of New York of a high-rise residential tower thereon, Provided, That --
>
> > (A) the City of New York shall grant to the Postal Service without reimbursement exclusive use of Twenty-ninth Street, between Ninth and Tenth Avenues in the City of New York, such use to be irrevocable unless the Postal Service sells, leases, or otherwise disposes of the Morgan Annex site; and
> >
> > (B) the City of New York shall agree to reimburse the Postal Service for the additional cost of designing and constructing the foundations of its facility so as to render them capable of supporting a residential tower above the facility, and shall issue any permits, licenses, easements and other authorizations which may be necessary or incident to the construction of the postal facility.
>
> (2) If within twenty-four months after the City of New York has complied with the provisions of paragraphs (A) and (B) of subsection (d)(1) [sic] of this section, the United States Postal Service has not awarded a contract for the construction of its facility, the Postal Service shall convey to the City of New York, at the fair market value, all right, title and interest in and to the above-described real property. Such conveyance shall be made on the condition that such property shall be used solely for public housing purposes, and if public housing is not constructed on the property within five years after title is conveyed to the City of New York or if thereafter the property ever ceases to be used for such purposes, title thereto shall revert

to the Postal Service, which shall have the right of immediate reentry thereon.

2 Section 410 provides, in pertinent part:

> §410. Application of other laws
>
> (a) Except as provided by subsection (b) of this section, and except as otherwise provided in this title or insofar as such laws remain in force as rules or regulations of the Postal Service, no Federal law dealing with public or Federal contracts, property, works, officers, employees, budgets, or funds, including the provisions of chapters 5 and 7 of title 5, shall apply to the exercise of the powers of the Postal Service.
>
> (b) The following provisions shall apply to the Postal Service:
>
> (1) section 552 (public information), section 3110 (restrictions on employment of relatives), section 3333 and chapter 71 (employee policies) and 73 (suitability, security, and conduct of employees), and section 5520 (withholding city income or employment taxes), and section 5532 (dual pay) of title 5, except that no regulation issued under such chapters or sections shall apply to the Postal Service unless expressly made applicable;
>
> (2) all provisions of title 18 dealing with the Postal Service, the mails, and officers or employees of the Government of the United States;
>
> (3) section 107 of title 20 (known as the Randolph-Sheppard Act, relating to vending machines operated by the blind);
>
> (4) the following provisions of title 40:
>
> (A) sections 258a-258e (relating to condemnation proceedings);
>
> (B) sections 270a-270e (known as the Miller Act, relating to performance bonds);
>
> (C) sections 276a-276a-7 (known as the Davis-Bacon Act, relating to prevailing wages);
>
> (D) section 276c (relating to wage payments of certain contractors);

(E) chapter 5 (the Contract Work Hours Standards Act); and

(F) chapter 15 (the Government Losses in Shipment Act);

(5) the following provisions of title 41:

(A) sections 35-45 (known as the Walsh-Healey Act, relating to wages and hours); and

(B) chapter 6 (the Service Contract Act of 1965); and

(6) sections 2000d, 2000d-1-2000d-4 of title 42 (title VI, the Civil Rights Act of 1964).

3 39 U.S.C. §410(b)(6) excepts Title VI of the Civil Rights Act of 1964. However, all the provisions of this Act speak in terms of the federal provision of financial assistance and contracts. As has already been noted, nothing in NEPA speaks in such terms.

4 Some examples are:

"The most significant impact of the project is the positive response to a pressing and obvious need for low - and moderate - income housing in the area." (EIS at 3)

"Most importantly, the proposed project is a response to a pressing local housing need . . ." (EIS at III-36)

"It is the conclusion of this Statement that the net effect of project development is positive, as it represents an improvement of Postal Service operations as well as a much needed source of low - and moderate - income housing for the Chelsea-Clinton community." (EIS at III-36)

5 "Alternatives to the proposed action have been considered and the conclusion reached that the proposed action is the most feasible course for the Postal Service to pursue. Moreover, it is the most advantageous to the community in providing a needed potential source of housing." (EIS at 4)

6 The letter from Margaret M. Myerson to F.R. Pagano, dated February 8, 1974, containing the Department of Housing and Urban Development comments on the Revised Draft EIS states:

> "Not only would it appear that the portion of the site fronting on Ninth Avenue will fall into HUD's 'unacceptable' category because the 24-hour cumulative noise exposure will exceed 80 db(A) for 60 minutes post-VMF development, but we also anticipate 'unacceptable' levels of intrusive noise on the 29th Street side of the proposed housing site to be generated by the combination of 2,200 daily postal vehicle (trucks) movements into and out of VMF and an additional 1,023 daily PMC vehicle movements into and out of the Morgan Station truck loading docks facing the VMF across 29th Street, especially in view of 'the use of the street for manuevering,' as described on page I-5 of the draft statement."

7 The letter from HUD, note 6, supra, specifically stated that the final statement should indicate "whether the accoustical treatment proposal . . . is financially feasible for the proposed subsidized housing project."

8 The discussion of the "No Action" alternative is, also, misleading. It assumes that under this alternative housing would not be developed on the site. Such is not the case. PL.92-313(6)(b)(2) specifically provides that the Postal Service shall convey the Morgan Annex site to the City, if a contract for the construction of its facility is not awarded by the Service within two years.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHELSEA NEIGHBORHOOD ASSOCIATIONS,
PENN SOUTH PARENTS,
CHELSEA-ELLIOTT TENANTS ASSOCIATION,
COUNCIL OF CHELSEA BLOCK ASSOCIATIONS,
KELVIN L. and ELLA MARIE KEAN,
BEVERLY RUBIN and
FRANCES LOPATIN,

Plaintiffs,

-against-

UNITED STATES POSTAL SERVICE and
E. T. KLASSEN, individually and
as Postmaster General,

Defendants.

PRELIMINARY INJUNCTION

74 Civ. 3702
(Judge Ward)

This case came on to be heard on plaintiffs' motion for a preliminary injunction, and defendants' motion to dismiss the complaint or in the alternative for summary judgment; and the court having considered the pleadings, affidavits, briefs, argument, and letters of counsel, and having made findings of fact and conclusions of law duly filed in its Opinion dated February 25, 1975, it is

ORDERED, that defendants, and their officers, agents, representatives, employees and all persons in active concert or participation with any of them, are hereby preliminarily ~~restrained and~~ enjoined, from entering into any contract for, or proceeding in any way with, the construction of the U. S. Postal Service Vehicle Maintenance Facility located in square block bounded by Ninth and Tenth Avenues and 28th and 29th Street in Manhattan pending ~~either~~

/s/ R.J.W

/s/ R.J.W.

JSS:n

alternatively, pending the

final determination of this action or ~~compliance by defendant~~ Court's determination that there has been compliance with ~~U. S. Postal Service with the requirements of~~ NEPA, 42 U.S.C. § 4332(2)(c); and it is further

ORDERED, that defendants' motion to dismiss the complaint or in the alternative for summary judgment is hereby denied.

Dated: New York, New York
February 28, 1975
3:15 P.M.

/s/ Robert J. Ward
U. S. D. J.

STRATEGY B-3: Reduction in the number of parking spaces in CBD's. This essentially involves creation of a City parking policy.

DISCUSSION: Elimination of all on-street parking in CBD during business hours, and incentives to garage operators to abandon existing off-street lots at critical locations with greater emphasis downtown than midtown. Freeze on granting new permits to operate off-street lots. Concomitant effort to develop City-wide parking policy with approval of all concerned agencies is essential to success of this control strategy. Many of the remaining off-street parking spaces are to be located at new peripheral lots along the western waterfront below 60th Street. Jitney service will be instituted to carry commuters and shoppers between these fringe lots and the midtown and downtown business districts. This strategy is an alternate plan to B-2, the banning of all cars from CBD during business hours.

GOAL: Reduce vehicle congestion in CBD's.

EMISSION REDUCTION POTENTIAL: Depending upon the extent of the program, it could result in up to one-half the private passenger vehicles avoiding the CBD's during the period 7 a.m.-7 p.m. with subsequent carbon monoxide reductions over 8 hours of 8 percent in downtown and 2 percent in midtown.

PROJECTED IMPACT ON AIR QUALITY: Carbon monoxide levels should be reduced by 8 percent in downtown and 2 percent in midtown over the worst 8 hour period if 50 percent of the passenger cars are excluded from the CBD's.

TIME TO IMPLEMENT: Parking policy set, on-street meters removed, lots closed or shifted to fringe, and jitney service established by January, 1975 (see Appendix B).

LOCATION AFFECTED: First phase: All CBD's.

TECHNICAL FEASIBILITY: No technical problems. Manhattanites who insist on having cars will simply have to pay higher garage rates, or store them outside of Manhattan where there is more room for their storage and operation (storage of vehicles outside Manhattan is an excellent disincentive to using vehicles at all except when absolutely essential).

INSTITUTIONAL FEASIBILITY: The American Automobile Association and garage operators will probably object, along with businessmen. Public transportation will have to be promoted and improved and perhaps the Transit Authority and the Metropolitan Transportation Authority can see here an opportunity to "sell" the transit system to the public. Taxicab owners will be quite willing to develop jitney service. Any funds generated by parking taxes should be used to subsidize public transit, thereby providing additional incentive to use the system.

ACTION REQUIRED: Transportation Administration and Economic Development Administration should begin to establish liaison with licensing agency for garages (Consumer Affairs), and prepare economic and transportation arguments for minimizing parking (Department of Air Resources can help on this). Transportation Administration, Economic Development Administration, Environmental Protection

Agency, City Planning Commission, and other interested agencies must meet to decide on a City-wide parking strategy with all agencies' approval. Parking policy must be coordinated with planning of Hudson riverfront development for establishment of fringe lots.

ENFORCEMENT: Police Department and Consumer Affairs

RELATIONSHIP TO OTHER STRATEGIES:

B-1 Enforcement
B-2 Banning all cars (contingency)
B-4 Through movement streets
B-6 Regulating vehicle mix
B-7 East River tolls
C-8 Staggering hours and days
D-2 Goods movement technology and management systems
E-1 University liaison for research

EXPECTED COSTS TO IMPLEMENT:

DIRECT COSTS: Develop and support arguments for strategy; develop implementation program. Develop city-wide parking policy. Capital cost for purchasing garages put at $45 million.

INDIRECT COSTS: Revenues lost to City when on street meters are removed reach $4.5 million annually.

STUDIES REQUIRED: Develop city-wide parking policy. Impact analysis.

(iii) alternatives to the proposed action,
(iv) the relationship between local short-term uses of man's environment and the

6. Demonstrate key elements of the traffic control master plan (July-December, 1974).

7. Secure funds ($15 million capital; $5 million annual expense) for full scale implementation by January, 1975.

8. Implement traffic plan: CBD's first by May 31, 1975; Region afterwards but by no later than July, 1976 (Maintenance).

STRATEGY B-1C: Selective Ban on Taxi Cruising.

1. Secure Memorandum of Understanding with the Taxi and Limousine Commission, the Traffic Department, and the New York City Police Department indicating support and assistance in implementing this control strategy by April, 1973.

2. Develop a detailed implementation work plan in cooperation with the Taxi and Limousine Commission by June, 1973.

3. Secure RD & D funds ($500,000) required to develop this strategy by July, 1973.

4. Collect necessary air quality data; select high pollution streets in midtown and downtown Manhattan by December, 1973.

5. Establish enforcement procedures within Taxi and Limousine Commission by July, 1974.

6. Secure funds ($500,000) for strategy implementation by January, 1974.

7. Expand program for selective ban on cruising to hot spot streets; set up necessary taxi stands, etc., by January, 1975.

8. Initiate cruising bans on selected streets in midtown by July, 1974.

9. Evaluate impact (theoretical prior to ban; measure impact after implementation).

STRATEGY B-3: Reduction in CBD Parking.

1. Prepare a detailed study and implementation work plan by June, 1973.

2. Secure a Memorandum of Understanding with the New York City Planning Commission, the Transportation Administration, the New York City Police Department, the Traffic Department, the New York City Economic Development Administration, and the New York City Bureau of Consumer Affairs stating agreement on the need for and direction for a City-wide parking policy by April, 1973.

3. Secure funds ($1.5 million) for the development of both CBD and City-wide parking policies by July, 1973.

4. Develop and adopt a CBD parking policy by October, 1973 and establish an agreement with the taxi industry to establish jitney service between Hudson waterfront fringe parking lots and centers of business.

5. Develop a City-wide parking policy by January, 1974.

6. Secure funds (approximately $15 million) for implementation of both CBD and City-wide parking policies by July, 1974.

7. Insure on-street parking regulations are enforced by existing or para-professional staff (Ref. Strategy B-1A) by January, 1974.

8. Select off-street parking facilities to be eliminated by July, 1974.

9. Purchase and close down selected off-street parking facilities, by January, 1975 (may require City or State legislation to accomplish). Jitney service in operation

10. Evaluate impact of program (requires traffic counts at key locations before and after implementation) by December, 1975.

STRATEGY B-5: Increase in Express Bus Service; Exclusive Bus Lanes

1. Secure Memorandum of Understanding from the Transportation Administration, the Department of Traffic, the Bureau of Franchises, the Metropolitan Transportation Authority (Transit Authority), and the Department of Transportation supporting strategy and agreeing to provide all necessary assistance in developing and implementing strategy, by April, 1973.

2. Prepare a detailed study and implementation work plan by July, 1973.

3. Secure funds ($500,000) to develop an express bus master plan by August, 1973

4. Develop a master plan including equipment requirements, routing proposals, impact analysis, etc. (September, 1973 - February, 1974).

5. Secure funds ($30 million capital; $15 million annual operating) for implementation, by March, 1974.

6. Order necessary equipment (primarily buses) by April, 1974 (new equipment to conform to low emission specifications to be developed as part of Strategy A-7).

7. Implement strategy (July, 1974 - May, 1975).

STRATEGY C-8: Staggering of Work Hours

1. Memorandum of Understanding with Mayor's office, Transportation Administration, Port Authority, major business organizations, supporting strategy and insuring cooperation, by April 1973.

PP

New York State Department of Environmental Conservation

rec'd

JAN 17 1975

# PART 203

## INDIRECT SOURCES OF AIR CONTAMINATION

EFFECTIVE JANUARY 13, 1975

Section


203.1 Applicability.
203.2 Definitions.
203.3 Prohibitions.
203.4 Application for Permit.
203.5 Preliminary Review of Applications and Public Comment.
203.6 Public Notice of Hearings.
203.7 Public Hearing Procedures.
203.8 Determination.
203.9 Standards for Issuance of Permit.
203.10 Approval Subject to Conditions.
203.11 Expiration of Permit.
203.12 Modification of Permit.
203.13 Suspension and Revocation of Permits.
203.14 Transfer of Permits.
203.15 Procedures for Certain Highway Projects.


Section 203.1 Applicability.

(a) This Part shall apply throughout the State of New York; provided, however, that the Commissioner may by order filed with the Secretary of State exempt persons in a city or county in whole or in part from the provisions of this Part where he has determined that such city or county has enacted a local law, ordinance or regulation which will achieve the purposes of this Part or applicable portions thereof, and that such city or county has adequate staff to enforce and will enforce the provisions of such local law, ordinance or regulation, and provided, further, that the Commissioner may by order filed with the Secretary of State delegate the enforcement of this Part in whole or in part to a city or a county where he has determined that such city or county has adequate staff to enforce and will enforce the provisions of this Part or applicable portions thereof. (NOTE: The following cities and counties have been determined exempt or been delegated enforcement responsibilities: New York City.) He may revoke any such exemption or delegation where he determines that the stated conditions no longer exist. An order of exemption or delegation may contain such provisions concerning review of actions of any such city or county as the Commissioner may deem necessary.

(b) Except as provided in section 203.3, this Part shall not apply to the construction or modification of an indirect source of air contamination if such construction or modification commenced prior to the effective date of this Part. For the purpose of this subdivision, construction or modification will be deemed to have commenced if a person has entered into a contract for paving or installation of

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foundations or [illegible] fabrication, erection or installation of the building components of an indirect source or associated parking area and has engaged in a continuous program of on-site construction or modification of such source or area; except that in the case of roads, highways and airports where acquisition of land is required, an appropriation of land through eminent domain proceedings as evidenced by the filing of a description and map in the office of the appropriate county official or the negotiated purchase of land as evidenced by a binding contract of purchase, shall constitute the commencement of construction or modification, if followed by a continuous program of on-site construction or modification. Interruptions resulting from force majeure shall be disregarded in determining whether a construction or modification program is continuous.

(c) With respect to any indirect source to which the owner or operator believes this Part does not apply, the owner or operator may request in writing an applicability ruling from the Commissioner.

Section 203.2 Definitions. As used in this Part, the following terms shall have the indicated meanings unless noted otherwise:

(a) "Indirect source of air contamination" or "indirect source" means a facility, building, structure or installation the construction or operation of which results or may result directly or indirectly in associated vehicular movements or aircraft operations which contribute to ambient concentrations of any pollutant for which there is an ambient air quality standard adopted pursuant to the Federal Clean Air Act, as amended, (42 U.S.C. 1857 et seq., hereinafter referred to as the "Act"), including but not limited to:

(1) highways and roads;
(2) parking facilities, including lots and garages;
(3) shopping centers and other retail and commercial facilities;
(4) recreational centers, amusement parks, sports stadiums and entertainment facilities;
(5) residential complexes;
(6) airports;
(7) office, institutional and industrial facilities;
(8) hotels and motels;
(9) theaters; and
(10) hospitals.

(b) "Associated parking area" means a parking facility or facilities operated in conjunction with an indirect source.

(c) "Aircraft operation" means an aircraft take-off or landing.

(d) "Commence construction" or "commence modification" means to initiate a program of on-site construction, including, but not limited to, site clearance, grading, dredging, land filling or entering into a contract for paving or installation of foundations or for the fabrication, erection or installation of building components, specifically designed for an indirect source or an associated parking area or in preparation for the fabrication, erection or installation of the building components of an indirect source.

(e) "Urban area" means any of the following counties:

(1) Albany, Rensselaer, Saratoga and Schenectady Counties (Albany-Schenectady-Troy area)

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(2) Broome and Tioga Counties (Binghamton area)
(3) Erie and Niagara Counties (Buffalo area)
(4) Chemung County (Elmira area)
(5) Nassau, Rockland, Westchester and Suffolk Counties, and the counties of New York City (New York area)
(6) Dutchess County (Poughkeepsie area)
(7) Livingston, Monroe, Orleans and Wayne Counties (Rochester area)
(8) Madison, Onondaga and Oswego Counties (Syracuse area)
(9) Oneida and Herkimer Counties (Utica-Rome area)

Section 203.3 Prohibitions.

(a) No person shall commence construction or modification of an indirect source of air contamination or associated parking area without having a valid permit to construct issued by the Commissioner pursuant to this Part. The foregoing prohibitions shall apply only to:

(1) The construction or modification of any parking facility or any associated parking area in New York County.

(2) Any airport, the construction or modification of which results or may result in the following activity within ten years after completion of the construction or modification:
(i) In the case of a new airport, 50,000 or more aircraft operations per year by regularly scheduled air carriers, or use by 1,600,000 or more passengers per year.
(ii) In the case of a modified airport, an increase of 50,000 or more aircraft operations per year by regularly scheduled air carriers over the existing annual volume of aircraft operations, or an increase of 1,600,000 or more passengers per year.

(3) Within an urban area:
(i) The construction of any new parking facility, or other new indirect source with an associated parking area, which adds new parking capacity of 1,000 vehicles or more;
(ii) The modification of any parking facility or any associated parking area which, by itself or when added together with all parking capacity constructed subsequent to November 4, 1973 or the date the latest permit to construct has been issued for such facility or area, will produce parking capacity of 500 vehicles or more, unless such modification is permitted under the latest permit to construct;
(iii) The construction of any road or highway section on which the annual average of daily traffic volume within ten years of completion of construction exceeds or may exceed 20,000 vehicles;
(iv) The modification of any existing section of road or highway which increases or may increase the annual average of daily traffic volume within ten years of completion of modification by more than 10,000 vehicles.

(4) Outside an urban area,
(i) The construction of any new parking facility, or other new indirect source with

an associated parking area, which adds new parking capacity of 2,000 vehicles or more;
(ii) The modification of any parking facility or of any associated parking area which, by itself or when added together with all parking capacity constructed subsequent to November 4, 1973 or the date the latest permit to construct has been issued for such facility or area, will produce parking capacity of 1,000 vehicles or more, unless such modification is permitted under the latest permit to construct.

(5) Whenever an indirect source or associated parking area is to be constructed or modified in planned incremental phases, the Commissioner may approve any or all such phases prior to the initiation of any such phase.

(b) No person shall operate an indirect source of air contamination, the construction or modification of which requires a permit under subdivision (a), without first having obtained a permit to construct and no person shall operate an indirect source which does not comply with the terms and conditions of the applicable permit to construct.

Section 203.4 Application for permit.

(a) An application for a permit to construct shall be filed with the Commissioner in such form and manner and contain such information as the Commissioner may require pursuant to guidelines which shall be made available to any person on request. Such information may include the submission by the applicant of appropriate atmospheric diffusion models, measured air quality data, reliable analyses and such other additional information, testing or documentation as the Commissioner may reasonably require to determine compliance with Section 203.9.

(b) After receipt of an application or supplement or correction thereto the Commissioner will advise the applicant of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the application shall not be considered complete until all required information has been supplied.

(c) An applicant may be required to file with the application an undertaking in an amount fixed by the Commissioner to guarantee payment of the costs of any public hearing.

Section 203.5 Preliminary review of applications and public comment.

(a) After receipt of a completed application, the Commissioner will make a preliminary analysis of the application and a preliminary determination whether he intends to approve, approve with conditions or deny the application and the applicant shall publish at its own expense a notice of application in the form prescribed by the Commissioner once a week for two consecutive weeks in one newspaper designated by the Commissioner having a general circulation in the county in which the proposed construction or modification of an indirect source is to occur. The applicant shall give such additional notice as the Commissioner may require in order adequately to inform the public of such application.

(b) The notice shall provide for opportunity for written public comment on such application within a stated period not less than thirty days after the date of first publication and shall specify that the application and the

Commissioner's preliminary analysis and determination are available for public inspection and copying at one or more specified locations in the affected air quality control region. Prior to the end of the public comment period, proof of notice shall be submitted to the appropriate regional office of the Department.

(c) A copy of the notice shall be sent by the applicant to: the regional administrator of the United States Environmental Protection Agency; all other State and local air pollution control agencies having jurisdiction in the air quality control region in which the indirect source is proposed to be built; the chief executive of the appropriate city, town, village and county; the appropriate County and Regional Planning Boards; and any appropriate local board or committee charged with responsibility for activities in the conduct of the urban transportation planning process (3-C process) pursuant to 23 U.S.C. 134.

(d) After the period for public comment specified in such notice, the Commissioner will hold a hearing if he determines that there is sufficient public interest in and reason for such a hearing or if the applicant so requests. In making such a determination, he will consider the public comments received, including any requests for a public hearing, and the anticipated impact of the indirect source's effect on air quality. In the event that he determines that a hearing is appropriate, he will direct the applicant to publish notice of such a hearing as prescribed in section 203.6. The hearing shall be held not less than thirty days after notice is first given.

(e) The applicant shall bear the costs of any such hearing, making payment directly to the provider of the services, material or facilities, including the following:

(1) stenographic and other costs of producing the record;

(2) newspaper publication and other costs of giving notice; and

(3) costs of renting any necessary facilities and equipment for holding the hearing.

(f) The Commissioner will consider any public comments timely received in making his final determination. The applicant will be given an opportunity to submit a written response to any public comment and the Commissioner will consider such response in making his final determination.

(g) The Commissioner may dispense with the period for public comment and proceed directly to a public hearing if he determines that the anticipated impact of the proposed project on air quality and/or the public interest so requires or if the applicant so requests. In such a case the applicant shall give notice of hearing instead of notice of application. The notice of hearing shall contain the information required by this section.

Section 203.6 Public notice of hearings.

Public notice of any hearing held pursuant to section 203.5 shall be in a form prescribed by the Commissioner and be circulated in the same manner as specified in section 203.5. It shall specify that the hearing shall be held not less than thirty days after the date of first publication and that persons wishing to be heard at such public hearing may file a statement of the grounds of support of, opposition to or interest in the application at a specified office of the Department prior to the date of the public hearing. It

shall also specify that persons may submit their comments for the record whether or not wishing to be heard. Proof of notice shall be submitted prior to the date of the public hearing.

Section 203.7 Public hearing procedures.

(a) Parties to the public hearing held pursuant to section 203.5 shall be the applicant, any person who files a written public comment or statement pursuant to section 203.f(b) or section 203.6, any municipality within the boundary of which the indirect source is located and such other persons as the hearing officer shall, in his discretion, determine to be in the public interest to permit to intervene as a party, either generally or for a special purpose.

(b) At any public hearing held pursuant to section 203.5, any party shall be afforded the opportunity to present oral or written statements or arguments and to present evidence on issues of fact; provided, however, that the Department shall have the discretion to fix reasonable time limits on the presentation of oral statements or evidence and when time and scheduling considerations necessitate, may require the submission of statements, arguments or evidence in writing.

(c) The public hearing shall be conducted by a hearing officer designated by the Commissioner. The hearing officer is empowered to:

(1) Provide for the taking of written and oral statements or data;

(2) Require the submission of sworn testimony and permit the cross-examination of witnesses subject to such limitations as he may impose to avoid irrelevant or repetitious cross-examination;

(3) Regulate the course of the hearing, fix the time for the filing of written statments, arguments and evidence, provide for the scheduling and preservation of oral statements, arguments and evidence, and set the time and place for continued hearings; and

(4) Take notice of general and scientific facts, provided that he shall give the parties an opportunity to contest the facts so noticed.

(d) Any materials, including records and documents, in the possession of the Department or which are relevant to the application, may be relied upon by the Commissioner in making his determination. Any document relied on by the Department shall be available for inspection by the parties.

(e) The hearing officer shall make findings of fact and his recommended determination and give reasons for such recommendation and shall forward them to the Commissioner.

(f) The Commissioner may at any time direct the hearing be reopened prior to issuance of the permit to construct where the public interest so requires.

(g) In the event no hearing is held, an official file shall be compiled by the Department consisting of documents submitted by the applicant, any public comments and any additional documents relied on by the Department with respect to the application. Any document made part of such official file shall be available for inspection by the applicant and other interested persons.

(h) The Commissioner may at any time prior to the issuance of the permit to construct request additional information from the applicant.

Section 203.8 Determination.

(a) The Commissioner may issue or deny the permit to construct or issue it subject to conditions as provided in section 203.10.

(b) The Commissioner will notify the applicant and any parties to any public hearing in writing of his approval or disapproval of the application. If he disapproves the application, approves it with substantial modifications or if there has been a public hearing, he shall set forth the reasons for his decision.

Section 203.9 Standards for issuance of permit.

(a) The Commissioner will not issue a permit to construct unless he determines that:

(1) the operation of the indirect source of air contamination or any associated parking area will not cause a violation of any applicable ambient air quality standard adopted pursuant to the Act and in effect at the time of the issuance of the permit or, where a violation of such standard exists, will neither increase the ambient concentration of the applicable pollutant nor interfere with attainment or maintenance of such standard.

(2) the operation of the indirect source of air contamination or any associated parking area will not result in any violation of applicable portions of any control strategy of an applicable air quality implementation plan approved or promulgated under the Act and in effect at the time of the issuance of the permit; and

(3) the operation of the source will not result in a violation of any of the provisions of this chapter.

(b) For purposes of this section, the applicable ambient air quality standards for:

(1) construction of highway sections which will produce an annual average of daily traffic volume of 50,000 or more vehicles within ten years of completion of construction;

(2) modification of a highway section which will increase the annual average of daily traffic volume by 25,000 vehicles or more within ten years after completion of modification; and

(3) airports

shall mean the standards for carbon monoxide, photochemical oxidants and nitrogen dioxide adopted pursuant to the Act. For all other indirect sources, the applicable ambient air quality standard shall mean the standard for carbon monoxide adopted pursuant to the Act. Determinations of whether a violation of such standards will be caused or whether, in the case of an existing violation, ambient concentrations will be increased will be based on anticipated ambient concentrations as of the time of completion of the proposed construction or modification or any phase thereof and during a reasonable time thereafter. In the case of highway sections and airports such time shall be a ten year period following such completion.

(c) The Commissioner will make the determination pursuant to paragraph (a)(1) of this section for carbon monoxide by evaluating the anticipated ambient concentrations of carbon monoxide at receptor or exposure sites where people might reasonably be expected to be exposed and which will be affected by the vehicular movements expected to be

attracted by the indirect source; such determination shall be based upon traffic flow characteristic guidelines, appropriate atmospheric diffusion models, any other reliable analytic method or any combination thereof.

(d) The Commissioner will make the determination pursuant to paragraph (a)(1) of this section for photochemical oxidants and nitrogen dioxide by evaluating the anticipated ambient concentrations of such pollutants at one or more locations determined by him to be representative of the points of greatest exposure within the affected area.

Section 203.10 Approval subject to conditions.

(a) Whenever an indirect source as proposed by an applicant would not be permitted to be constructed or modified because of failure to meet the standards set forth in section 203.9, the Commissioner may approve the application subject to such conditions as will permit such source, if constructed or modified in accordance with such conditions, to meet the standards set forth in section 203.9.

(b) Notwithstanding the provisions related to modified indirect sources contained in section 203.3, the Commissioner may condition any approval by specifying the extent to which and the period within which the indirect source, when completed, may not be further modified without approval of such modification under this Part.

(c) The Commissioner may at the time of issuance of the permit attach such other conditions, including monitoring requirements, as will assure compliance with the permit or the provisions of this Part; provided, however, that no condition shall be imposed which would require partial or complete curtailment of operation of the indirect source based on unanticipated changes of ambient concentrations of pollutants for which the applicant cannot be responsible; except that nothing herein shall relieve the applicant from responsibility to comply with the provisions of any present or future applicable implementation plan.

Section 203.11 Expiration of permit.

Unless otherwise specified therein, a permit to construct shall expire when no construction or modification has been commenced within a period of two years after the issuance of the permit or when no substantial progress is made in such construction or modification for a period of two years. For the purpose of this section, interruptions resulting from force majeure shall be disregarded. The Commissioner may extend any time period upon a satisfactory showing that an extension is justified.

Section 203.12 Modification of permit.

The permit to construct or any condition thereof may be amended at any time upon written application to the Commissioner and a showing that modification thereof will not result in violation of the standards contained in Section 203.9. The Commissioner may require reapplication under Section 203.4 where he determines that there may be significant public interest in such modification.

Section 203.13 Suspension and revocation of permits.

The Commissioner may suspend a permit to construct at any time upon any of the following grounds:

(a) Failure to construct the indirect source substantially in accordance with the application as approved;

(b) Failure to operate the indirect source in accordance with any conditions imposed by the Commissioner in the permit; or

(c) Materially false or misleading statements in the application or supporting papers.

Section 203.14 Transfer of permits.

A permit to construct shall not be transferable in whole or in part unless and until the transferee has filed a verified statement with the Department acknowledging that the transferee will comply with all the conditions of the permit.

Section 203.15 Procedures for certain highway projects.

With respect to highway projects for which the New York State Department of Transportation prepares environmental impact statements pursuant to the provisions of the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Commissioner may by memorandum of understanding with the Commissioner of Transportation provide for public notice and hearing procedures which differ from those set forth in this Part and which are consistent with Federal and State statutes and regulations. Nothing contained in this section shall be deemed to relieve the Commissioner of the responsibility to review any such project for compliance with the standards contained in Section 203.9.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CITY OF THOUSAND OAKS, a municipal corporation, for itself and on behalf of all the citizens of the City entitled to the full benefit, use and enjoyment of its resources, and all others similarly situated, not only of this generation, but of those generations yet unborn,

Plaintiffs,

v.

UNITED STATES OF AMERICA: TED KLASSEN, Postmaster General; UNITED STATES POSTAL SERVICE; ELMER B. STAATS, Comptroller General; GENERAL SERVICES ADMINISTRATION; DEPARTMENT OF ARMY, CORPS OF ENGINEERS; DON GREEN; and STAN WYATT,

Defendants.

CV 74-2186-JWC

OPINION

The City of Thousand Oaks brings this action under t National Environmental Policy Act of 1969, 42 U.S.C. § 4321 et seq., and the Intergovernmental Cooperation Act of 1968, 42 U.S.C. § 4201 et seq., to prevent the defendants from constructing a post office in the City of Thousand Oaks at a site selected by the defendants.

FACTS

In 1968, the United States Postal Service determined that a new post office should be established in the City of

Thousand Oaks and, accordingly, purchased approximately six acres at a cost of $400,000, located in the City of Thousand Oaks at the corner of Duesenberg Drive and Thousand Oaks Boulevard. In August 1972, at the request of the Postal Service, the United States Army Engineer for the District of Sacramento prepared an environmental assessment (a copy of which is in the record before us). After an in depth review of the environmental considerations, it was recommended that no environmental impact statement as contemplated by the National Environmental Policy Act should be prepared and, accordingly, none was.

The construction commenced July 20, 1974, and on August 5, 1974, plaintiff filed this action for declaratory and injunctive relief. A temporary restraining order was issued by this court, and the matter is now here on an application for preliminary injunction and a permanent injunction, it having been stipulated that the court might consider both upon the present showing.

Section 4332 of Title 42 U.S.C. provides in part:

> "The Congress authorizes and directs that, to the fullest extent possible: . . . (2) all agencies of the Federal Government shall-- . . .
>
> (C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on--
>
> (i) the environmental impact of the proposed action,
>
> (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of Title 5, and shall accompany the proposal through the existing agency review processes."

The plaintiff contends that the construction of the proposed Post Office facility is a "major federal action significantly affecting the quality of the human environment . . ." and should be stopped until an environmental impact statement and other procedures required by the Act h been accomplished.

This action is directed primarily at the Postal Serv for it is the agency responsible for the construction of th facility. The Postal Service determined the need, selected

and acquired the site and, although calling upon other agencies for assistance, has been generally responsible for the design and construction of the building. This is clearly an exercise of the powers given to the Postal Service by Congress.

Section 410(a) of Title 39 U.S.C. provides:

> "Except as provided by subsection (b) of this section, and except as otherwise provided in this title or insofar as such laws remain in force as rules or regulations of the Postal Service, no Federal law dealing with public or Federal contracts, property, works, officers, employees, budgets, or funds, including the provisions of chapters 5 and 7 of title 5, shall apply to the exercise of the powers of the Postal Service."

Neither the Intergovernmental Cooperation Act, Chapter 52, nor the National Environmental Policy Act, Chapter 55, upon which plaintiff relies as the basis of this action are listed in subsection (b) and consequently are simply not applicable to the Postal Service.

The Postal Service regulations are in accord with this view. Title 39 C.F.R. § 775.1 provides that the National Environmental Protection Act is inapplicable to the exercise of the powers of the Postal Service. Furthermore, this view is supported by the legislative history of the Postal Reorganization Act, P.L. 91-375, of which 39 U.S.C. § 410 is a part (See 1970 U.S. Code Cong. and Admin. News, page 3649). From this it appears that Congress considered the Postal Service as an unique governmental agency desperately in need of improvement and intended that it should be operated under the new law free of many of the usual obstacles facing most agencies. Title VII of the Civil Rights Act of 1964 appears to have been an obstacle to be removed from the path of the Postal Service.

See Johnson v. Postmaster General, 330 F. Supp. 1058 (D. Maryland 1971). Although not necessary to its decision, the court wrote that it entertained serious doubts that the 1964 Civil Rights Act was applicable to the Postal Service.

Plaintiff has cited Maryland-National Capital Park and Planning Commission v. U. S. Postal Service, 487 F.2d 1029 (D.C. Cir. 1973). There, the court studied the Postal Service's construction of a large postal center and decided that the Service had not fully complied with the National Environmental Policy Act. By implication, this seems to indicate that the National Environmental Policy Act does apply to Postal Service. But neither the district court nor the court of appeals discussed section 410, which because of its relative obscurity may well have been overlooked. I hold, therefore, that neither the Intergovernmental Cooperation Act nor the National Environmental Policy Act apply to the Postal Service.

For the foregoing reasons, the plaintiffs' applications for a preliminary and a permanent injunction are both denied and the action dismissed.

DATED: September 3, 1974.

JESSE W. CURTIS
United States District Judge

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CITY OF THOUSAND OAKS, etc., et al.,

Appellant,

v.

UNITED STATES OF AMERICA, et al.,

Appellee.

No. 74-2685

FILED

OCT 1 1974

ORDER

U. S. COURT OF APPEALS

Before: WRIGHT and GOODWIN, Circuit Judges, EAST, District Judge*

This expedited appeal has been argued today following special briefing arrangements, because under the circumstances, some immediate action is indicated.

The district court, while granting a temporary restraining order, dismissed the action brought by Thousand Oaks against the United States Postal Service, and denied a temporary injunction. We do not approve the basis upon which the trial court dismissed, but we affirm that judgment.

We have the full record before us and it appears that the negative statement by the Postal Service is adequate to show no environmental impact.

The temporary restraining order is dissolved, and the judgment of dismissal is affirmed.

The mandate shall issue forthwith.

10-1-4-1008

*Honorable William G. East, Senior United States District Judge sitting by designation.

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U.S. ATTORNEY
CLEVELAND, OHIO

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OHIO

EASTERN DIVISION

| | | |
|---|---|---|
| CLARENCE J. BARTUNEK, et al., Plaintiffs, | ) | |
| vs | ) | No. C74-673 |
| JAMES F. PATTERSON, etc., et al., Defendants. | ) | ORDER |

In accordance with the Order filed herein on Dec. 2, 1974,

IT IS ORDERED that the complaint herein is hereby dismissed at plaintiffs' costs.

ROBERT B. KRUPANSKY
United States District Judge

THE UNITED STATES DISTRICT COURT

FILED

THE NORTHERN DISTRICT OF OHIO

EASTERN DIVISION

| | | |
|---|---|---|
| CLARENCE J. BARTUNEK, et al., Plaintiffs | ) | Civil Action No. C74-673 |
| v. | ) | |
| JAMES F. PATTERSON, et al., Defendants | ) | ORDER |

KRUPANSKY, J.

Plaintiff has commenced this action asserting that the policies and procedures used to implement the McFarland Creek Sanitary Sewer Project are in violation of the National Environmental Policy Act (NEPA), 42 U.S.C. §§4321 et seq. in that no "objective study of the land, air and water resources to be affected by said project once it becomes a reality" has been conducted.

Defendants are James F. Patterson, Geauga County Commissioner, William A. Burns, Geauga County Commissioner, Ellin L. Parsons, Geauga County Commissioner, Lawrence Fulton, Geauga County Sanitary Engineer, Daniel L. Garmus, Geauga County Chief of Environmental Health, Douglas Hasbrouck, Chief of Waste Management and Engineering Division of Ohio Environmental Protection Agency, Robert J. France, Chief of Intergovernmental Administration, Ohio Environmental Protection Agency, Russell Train, Administrator, United States Environmental Protection Agency, Dr. Ira L. Whitman, Director, Ohio Environmental Protection Agency and John J. Gilligan, Governor, State of Ohio. Plaintiff is a resident of said Geauga County and alleges personal injury as a result of the proposed

project. Jurisdiction of the Court was invoked pursuant to 28 U.S.C. §1331 and 42 U.S.C. §§4321 et seq.

All defendants have moved to dismiss on the ground that no case or controversy exists.

A This action is predicated upon the assertion that there have been violations of the NEPA. However, from sworn affidavits attached to the several Motions to Dismiss it is apparent that plaintiff has prematurely commenced this litigation. Federal environmental review is not required until a grant application has been filed and received by the Environmental Protection Agency. 42 U.S.C. §4332(a)(C). No such application has been received.

The County defendants have not filed any application concerning this project with either state or federal authorities. Accordingly, no environmental impact assessment is required.

The state defendants have neither received nor forwarded any grant application concerning this project to the Environmental Protection Agency. Accordingly, no violation of the NEPA has occurred or is threatened.

B

Accordingly, Defendants' Motions to Dismiss are hereby granted.

Lake Lucern Club Company's Motion to Intervene is hereby dismissed as moot.

IT IS SO ORDERED.

United States District Judge